

LAYMEN'S

WORK

In This Issue :

- PUBLIC SERVANTS
- THE LEGAL PROFESSION
- EUROPE : A CHRISTIAN CONCERN



WORLD COUNCIL OF CHURCHES

Geneva, Switzerland

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EDITORIAL

This is the last but one issue of *Laymen's Work* before Evanston, the last one of a series dealing with different professional areas. This time it is lawyers, government servants and to a lesser degree politicians and members of parliament with whom the main articles and the reports from various countries are concerned. I can add nothing to the many clever things which will be said on the following pages about Law and the Civil Service and about professional problems of those who work therein except that I hope that people will not only read the report on their own country. Though it seems that the problems are similar everywhere, the method of tackling them from a Christian point of view varies from country to country. I wish that those who are most sure of their own practices might be challenged by the discovery that other people think of doing things which have never occurred to them; and that others who are most uncertain as to what to do with lawyers and government servants should be encouraged to try at least something. Perhaps an informal circle may be started by discussing one of the books included in the bibliography.

For the rest, Evanston is now the eschatological term for the World Council of Churches. Speakers to laymen's groups may explain to their people that "eschatological" is something in the future towards which all your present activities are directed, beyond which you do not go in your thinking, before which you tremble and to which you look fervently forward. Evanston means the second Assembly of the World Council meeting in the U.S.A. in August 1954. The Assembly is the highest authority in the World Council of Churches where, by some 600 delegates, all the member churches are officially represented. Now reports about the first six years of the World Council are being written, agendas for business committees and sections of the Assembly are being drafted, names of delegates and accredited visitors are being received from the churches, consultants are being nominated and papers on various questions are being produced. In August, a commission met on the subject of the Christian in his Vocation in order to prepare a survey which will serve as a basis for the Assembly Section dealing with the Laity. Though the members of this Commission had never met before they soon found themselves in agreement in their judgment of present weaknesses of the churches in dealing with their lay forces, and they suggested certain measures which will be discussed at Evanston. The Commission is to meet again at Chicago two days prior to the Assembly. Another ecumenical group, the leaders of laymen's institutes and groups, will meet at Bossey in

March 1954, in order to discuss some of the basic theological aspects of the ministry of the laity in the world. This is meant as a contribution to the preparation of the Assembly and to the laying of foundations for the future work of the World Council in regard to the lay issue. I intend to include some of their studies in the following number of this bulletin.

Three years ago the first number of *Laymen's Work* was accompanied by a list of some 150 lay organisations. This list is by now out of date, and a new, more comprehensive and at the same time more descriptive one must be prepared. In due time questionnaires will be sent out to collect exact data. Meanwhile I should be grateful to know of addresses to which such questionnaires should be sent. Readers of this bulletin are kindly asked to supply the Secretariat for Laymen's Work with such information as they possess.

H.H.W.

THE PROFESSION OF GOVERNMENT

Christian thought from the earliest days has given attention to the position of "the ruler" or "governor." An important cause of this was that, during the Roman Empire and after, the well-being of the Church as an institution was closely affected by the varying attitudes of governments; but it was due also to a realisation of the importance of government for the well-being of society as a whole. This concern has been maintained. In the Anglican prayer-book, prayers are regularly offered for "the Queen and all who are set in authority under her," and most communions have similar prayers.

We are all well aware of the radical changes in the methods of production which we call "the Industrial Revolution"; an operative in a modern footwear factory has the same purpose as a traditional shoemaker, but the conditions of his work and its social setting are almost unrecognisably different. An equally radical change has taken place during the same period in the activities of government; the central purpose has remained the same, but the methods, organisation and the number of persons involved have changed out of all recognition. In some countries, the development of the "Welfare State" has been the latest stage in this process.

This article is concerned with the work of civil government (national and local) in the strict sense—that is, with the maintenance of order, the control and regulation of civil life, and the direct government administration of certain social services. It is not concerned directly with the running of nationalised industries or with trading departments operated by government (like municipal transport or state postal services); these latter have more in common with industry than with government. The effect of government policy on society as a whole has been the concern of the Commission on "The Responsible Society"; our concern here is with the fact that these activities of "government" form the full-time *occupations* of a large number of people and that these occupations have their peculiar professional problems, as distinctive as those of teaching or medicine. (It seems that in some countries, a disproportionate number of active Christian laymen are government officials—though the reason for this is doubtful!) People engaged full-time in government fall into four main groups, although these classifications are not exhaustive nor rigidly separated—(1) politicians, (2) administrative and executive officers, (3) professional and technical officials, and (4) routine clerical workers.

(1) The "politician" is in a different position from members of the other three groups. In general, there is no recognised profession of "politics" with a standardised means of entry; yet, while most politicians in local government do their work in their spare time, national politics is in most countries a full-time or almost full-time occupation. There has been plenty of discussion of the rights and wrongs of politics, in the sense of the moral merits of different policies or of the decisions demanded of the ordinary citizens. There has been much

less attention given to the peculiar problems of morality falling on politicians as individuals. An article by the Hon. Frank Pakenham * throws some light on this subject, and raises some important questions. Thus, the writer points out that for the politician "success in politics will in large measure depend on his skill in doing three things—none of them forbidden by Christian teaching, but none of them imaginatively easy to square with life lived by our Lord as it has come down to us. By word of mouth or written document, he has directly or indirectly (1) to persuade vast numbers of his fellow-men of the superiority not only of his views but of his own personality for their purposes ; (2) to collaborate with vast numbers of his fellow-men to the point of ardently espousing and publicly recommending doctrines with which he is frequently in imperfect sympathy and to which on occasion he may be strongly antagonistic ; (3) to coerce vast numbers of his fellow-men, whether by Governmental orders to fellow-citizens or diplomatic pressure on foreigners, into acquiescence in courses resented and disapproved by them." The politician's position is made more difficult by the fact that he is exposed to criticism from two directions. The public are readily critical of the fact that he is forced by convention to adopt an unreal standard of altruism in public pronouncement. On the other hand, there is ready tendency for officials to adopt, in private, a cynical attitude to their political heads and to imply that they could get on quite as well without them.

The important thing to recognise, as the writer of the article quoted is well aware, is that the politician is an essential part of the structure of government. He provides leadership, focuses public concern and helps to make opinion articulate. Quite apart from any power of initiative he possesses, he is a vital organ of criticism without which the permanent bureaucracy would readily become tyrannous or lethargic. The moral difficulties of which many politicians are conscious are therefore no excuse whatever for responsible people refraining from political work or, in appropriate cases, from entering politics full-time.

(2) The group of administrative and executive officials occupy a varying position in different countries and in national and local government. In some countries, certain civil service posts are in fact political appointments and the boundary between politicians and higher officials is blurred. In other countries, and Great Britain is a typical example, the line between the permanent civil service and politicians is very sharp. While this latter arrangement has been an old established tradition in some countries like Prussia/Germany it now seems to be becoming the norm in most democratic states. In other words, there is an increasing tendency to take the permanent civil service "out of politics" and to develop a permanent "career civil service." On the whole, the abilities which make a good elected politician are different from the abilities which make a good permanent official, so that this distinction corresponds to a fact of human make-up.

In any event, in most countries and in most organs of government there is a body of permanent officials who have the primary work of formulating government policy. They are in strictness the servants of their political heads, but their professional knowledge gives them a peculiar influence in determining

* "‘Grey Eminence’ and Political Morality”—the *Political Quarterly*, October-December, 1942 (Macmillan & Co. Ltd., London).

what governments do. It is perhaps in this group that we see "the profession of government" in its purest form. The peculiar position of this group is that they have a clear-cut and often difficult job to do, and yet that job is in its essence impersonal and neutral. It has been said that "the well-run department, judged by any standard of efficiency which could hope for practical recognition, is one as beautifully arranged for carrying out bad policies as good ones. The Civil Servant, however eminent, is there to carry out orders." In one sense, this is the typical problem of "one under authority." How far is the subordinate official responsible for the *content* of the policy he executes (which was the central dilemma of the Nuremberg trials) ?

This problem, though inescapable, should not be exaggerated, since even an administrative officer is not solely and entirely engaged in "carrying out orders." There are many duties which, by common consent, constitute the work of government, and which have to be carried on by almost any government. These include things like the maintenance of public order, and the administration of justice. This accounts for the fact that St. Paul could see the civil powers (e.g. in Romans 13) as being ordained of God, although they were the agents of the Emperor Nero. Even a bad government still makes some contribution to human well-being.*

(3) The administrative group we have just been discussing are exercising a craft which has no exact parallel outside ; professional and technical officers are in rather a different position. They are a group of officials who are exercising particular skills which they share in some measure with professional colleagues outside government service ; they include scientists, lawyers, architects, doctors and a variety of professional social workers. The great technical developments of the last century have much increased the importance of this group. They, too, are the servants of government, but the problem we noted above is not usually so near the surface as it is for their "administrative" colleagues ; their work is not so much "a responsibility to obey orders" as "a responsibility to do a professional job." They have been appointed to use their professional skill to maintain public health, to control building development, to prevent accidents, and so on.

The members of this group are in a relatively fortunate position (morally, if not financially !) in modern society. Their day-to-day decisions arise out of the practical facts of the situation and the standards of their professional craft ; they are therefore far less involved in the conflicts and ambiguities of "politics" than their administrative colleagues. They are likely to believe their profession to be worth while, or they would not have adopted it ; their position as public servants emphasises that they are called to exercise it in the general interest. Their main dangers are of complacency and of an exaggerated belief in the importance of their own crafts for the well-being of society. The sense of frustration which is sometimes felt by these officials arises, in particular, from two causes incidental to their main craft.

Firstly, a skilled professional man is often peculiarly unaware of and impatient about the limitations on his work which arise from the necessities of govern-

* For some discussion of this issue, see report of an address by Sir John Maud, and correspondence arising in *The Frontier* December 1950, and January 1951 ; the original address was only indirectly on this subject, but the five letters arising out of it are directly concerned with it.

ment or from the political setting. Just because his mind is taken up with the technical problems of his own craft, he is apt to ignore or dismiss as "mere red tape" a lot of things which loom large in the mind of the administrative officer. Yet some, at least, of these conditions (as we shall see later) exist for very good reasons.

A second cause of frustration which applies to some, but by no means all, technical and professional government officers is that they have to use their skill not so much in the craft for which they were trained as in supervising how other people are exercising that craft. An Inspector of Schools no longer teaches, a Marine Surveyor does not build ships and many medical officers are not directly engaged in healing, although those were the crafts for which they were trained. This sense of frustration is, however, partly irrational. It may well be that, in some states of society, too many people are engaged in "supervising and inspecting"—that is another issue—yet history makes it clear that some form of technical supervision is needed in many walks of life, and that this will be of little use unless it is done by people who are sound craftsmen in the craft which they are supervising.

(4) Government work essentially requires a great deal of routine work, chiefly of a clerical nature—keeping records, filing papers, typing, recording payments, manning office telephone exchanges, counter work and so on. In the main, this work is very similar to corresponding occupations in industry or commerce, and is just as essential for the general running of the machine.

An important feature of this type of work is that many who are doing it form the first point of contact between the general public and the machinery of government. This raises, often in a very acute form, the difficulties of the relationship between human beings, who may be in distress or confusion, and officials who, for good reasons, have very limited discretionary powers. Government Departments are beginning to realise that this problem is too difficult to be left to the light of nature and to such good will as is available; it requires specialised attention and training. It can, however, be a keen personal problem for many subordinate government officers.

* * *

There are a number of general problems which arise in differing degrees for most people concerned with government, of which the following are a brief selection:

(a) The main virtue in government is and always has been that of fairness or impartiality, hence the Anglican prayer that those set in authority under the Crown should govern "truly and indifferently." This "indifference" is peculiarly the virtue of the judge or magistrate, who in many periods of history was the typical representative of government; it should, in other ways, be the characteristic of almost all who are acting on behalf of government. The great sin for the government servant is favouritism or "respect of persons" (in the sense in which the phrase occurs in the Hebrew Scriptures). Three forms of this demand are of particular note:

(i) The requirement of impartiality in treating the public is perhaps the simplest. A great deal of government organisation is directly aimed at securing the fair and equal treatment of each individual. This virtue has, of course,

been achieved in very different degrees in different places and there are many countries where bribery or personal favouritism are the main methods of getting things done; but it is recognised without much doubt that this is an evil. What is often less clearly recognised, however, is that many of the diseases of government, like rigidity and complexity of "red tape," are the result of an overzealous effort to achieve this strict and impersonal fairness. For example, if there is to be uniform treatment of persons in all parts of a large country, a system of supervision has to be set up to prevent the practices in different areas from diverging too widely. Such a system is unavoidably complex, often slow-moving and will limit the discretion of the local official.

Central Government departments are sometimes blamed for being too much concerned with "rigid uniformity." Sometimes this accusation is true; often it is the precise reverse of the truth. Headquarters officials may be glad to encourage "interesting diversities" of practice in different areas. It is not so easy to persuade a local resident to view as an "interesting diversity" the fact that he has less ready access to X-ray facilities when sick or to education for his children than folk in other areas; it looks to him more like plain injustice. The demand for uniformity comes far more from the general public than from headquarters officials; the main persons biassed in favour of diversity are *local officials*.

The limitations of "the regular channels" and "correct procedure" can become the idols of a certain type of official mind, and it is right to preserve a critical attitude towards them—"Red tape is made for man and not man for red tape"! Yet it is easy for people who are convinced of their own wisdom and sound motives (as most people are!) to be impatient of these things, without understanding what they are for and the evils that might arise without them.

(ii) An even more difficult problem of impartiality arises within government service. Permanent government office may be a position of some power, and may provide secure and privileged employment. In consequence, an urgent problem of government is to secure that recruitment to government employment is free from favouritism or corruption. The use of competitive examinations as a method of recruitment is not primarily because ability to pass a written examination is necessarily the best test of personal ability, but because it is a fair and objective test, which is less liable to be distorted or perverted by favouritism or group interest than other methods of appointment. Promotion within the service has similar dangers, but here there is no such simple objective test as that provided by competitive examination.

This is a point where religious (in the sense of "sectarian") forces can make the problem even more difficult. The experience of a local official in a certain area of sharp religious divisions is unfortunately not unusual. He was approached by the minister in pastoral charge of one large religious communion in his area, and told, in effect, that the minister would back him in what he was doing if he saw that members of that communion got a good share of the official vacancies. This attitude is not always expressed as crudely as this but the danger is often present. In some countries, it has been necessary to depart from the ideal test of appointing "the best man for the job" and to aim instead to keep a proportionate balance between the

various racial and religious groups in society at each level of the official machine.

Religious groups are not, of course, the only source of this trouble. Racial and extremist political groups can give rise to similar problems. It remains true, however, that sectarian divisions are still a very widespread cause of difficulty in many democratic countries. The maintenance of even a moderate level of integrity and efficiency in government service is not easy. It is sobering fact for Christians to find that the forces of religion often seem, even if unintentionally, to be working contrary to these ends.

(iii) Impartiality in the realms of ideals and policies is even harder to achieve. A public official is the servant of a community which contains people of differing views and differing convictions; he is also a person, and may have strong convictions of his own. To what extent is he justified in using the influence given by his official position for forwarding those aims in which he honestly believes? This is not a simple question. Anyone with keen interests may rightly choose a job where he can serve those interests. A concern for the welfare of children is one qualification for becoming a "Children's Officer"; anyone who cares about the appearance of the country may do good work in the Ministry of Town and Country Planning. That much is clearly justified. On the other hand, there is a stage at which it is plainly immoral to advance private aims by means of one's official position. The trouble is that there is a large area between these extremes where right and wrong are not so obvious.

Once more, sectarian and religious differences can enter into this field. For example, an education officer in a country with a mixed Protestant and Catholic population, and who belongs to one of these communions, has to decide fairly clearly the principles on which he is to act. Is he to aim at the strictest impartiality between the two communions (even "leaning over backwards" to compensate for his own bias); or is he right in forwarding the interests of his own communion within the limits of official policy? This is a real question, since in many things an official can depart some way from strict impartiality without definitely infringing official policy or "being found out." It is therefore essentially a question of personal morality. One difficulty is that different communions sometimes seem to give different answers to this question, which can be a source of ill-feeling and endanger Christian charity. The same problem emerges in a different form for a Christian official in the government of a predominantly non-Christian society.

The problems we have been considering above have been set in the terms in which they emerge in liberal or mixed societies—that is, where there is a deliberate measure of tolerance of various religious, racial and political groups. This position exists, in theory, in most of Western Europe and many other parts of the world. The problems of the public official in an "ideologically uniform" situation are very different but equally real. This situation arises in Communist countries and in Moslem or Catholic authoritarian states. (It is worth remembering that, although England is now thought of as typically a liberal state, it was only a short time ago, in terms of history, that public office there was the monopoly of members of the Anglican Church! The same has been true in a country as "liberal" as Sweden in regard to membership in the (Lutheran) Church of Sweden.)

(b) The development of the "welfare state" is not new *in principle*, since government has always recognised some responsibility for major misfortune among members of the nation. The large-scale development of recent years, however, has resulted in an increasing number of persons who are government servants being engaged in administering social services, and many of these are of the professional group we noticed above. Over much of their work, there is no sharp difference between those who form part of the machinery of national or local government and those who are working for non-government agencies. There are, however, two differences which sometimes emerge :

(i) The public official has to be more scrupulous in fighting favouritism (for the reasons mentioned above). As a result governmental social service is more apt to be limited by strict methods of procedure for this very reason. There are therefore sometimes "hard cases" which cannot be brought within the scope of official instructions, and in such cases co-operation between government and non-government agencies is valuable.

(ii) On the other hand, an important feature of government social service, which is sometimes forgotten, is that if a case plainly falls within the scope of a government service, there is a sense in which that service *cannot* ignore it. If the children's officer of a local authority is faced with a peculiarly difficult "problem family" or a case of a child without parental supervision then, however difficult the case may be, something has to be done about it ; whereas voluntary agencies can wipe their hands more easily of unrewarding or unduly difficult cases.

(c) Questions of personal relations within government service are in the main similar to those in any large organisation, for example in industry or commerce. The main difference is that the importance of avoiding favouritism or discrimination tends to make the structure more rigid. A superior officer cannot simply get rid of a subordinate he does not like, and personal animosities cannot readily be evaded by one or other seeking a transfer. This can cause needless trouble ; at times in some departments, it almost seems that staff offices take a perverse delight in trying to make impossibly assorted colleagues work together ! On the other hand, it is a healthy emphasis that an official in public service is expected to make what he can of the human material available and not to evade these problems by resignation or transfer for flimsy reasons.

GOVERNMENT SERVANTS IN INDIA

The Difficulties

Quite a considerable proportion of the educated men in the Indian community are in the service of the Government, at all levels, and in all different departments of the administration from the clerical grades right up to the top rungs of the official ladder. As a matter of fact, because the community is a poor community (taken by and large) and few have lands or property or other means to live upon, parents who have spent money and who have sacrificed

much in order to give their boys (and girls) an education to the extent they can manage and always to a higher level than their own, are anxious that their children should get into the service of the Government, which has, in India as in many other countries, a higher standing than several other professions. It is true to say that very few educated Indian Christian young men seek other means of livelihood without having first knocked at the doors of the Government. Government servants in India have come to have such great influence and acquire such a status in society that to enter Government service, in any one of its departments and however low a position, is the ambition of 99% of the younger men who are fortunate enough to get a High School or College education. The Christian Government servant is thought of, in his own community, as far superior to others of equal intellectual attainments and of similar financial and social status in other walks of life. The authorities of the Church are anxious to get these men into their Committees and Councils. A Christian Government servant who condescends to attend church and to take a mild interest in church affairs is considered a veritable pillar of the church ! In India civil servants—whatever their official rank—have become, because of their numbers and their experience, an influential class. Christian Government servants have therefore even greater spiritual and moral responsibilities than others who occupy other positions, or are in “private” service or are in the independent professions.

But the conditions under which Christian Government servants have to lead their official and domestic lives have been becoming, for some time past, more and more difficult. It has never been easy for a Christian in public service to be utterly Christian in every aspect of his life and to meet the demands of his religion in the exercise of his profession. But in recent times Christians in the service of the Government have had to face and are now facing several problems, moral, economic, and spiritual, some of which at least were unknown to their predecessors.

Apart from the economic difficulties caused by the tremendous increase in the cost of living during the past two decades and the inadequacy of the wages or salary paid to him, there are several others. The difficulties of the under-dog in Government service, as in all forms of employment, are well known. It seems to be true to say that, generally speaking, the persons who are holding higher positions in Government service are becoming more and more hard. There is a more or less complete absence of appreciation or sympathy and failure to see things from the point of view of the clerk or the subordinate. However honest the latter may be and however hard he may try to do satisfactory work, several officers seem to be incapable of anything but criticism, suspicion and fault-finding. There is then the fact that the whole atmosphere in which the work has to be done has been poisoned with corruption, not necessarily only monetary corruption but corruption in more insidious and more pernicious forms. And therefore it is becoming very difficult for an honest and efficient subordinate to carry on his work peacefully and happily. Small faults are exaggerated, facts are suppressed, twisted interpretations are put upon his words and his actions by conscienceless superiors in order to serve their own ends or in order to help their own favourites. His bad, corrupt and inefficient colleague gets promoted, because he brings to bear all kinds of back-door influence on the persons in whose hands lie his advancement and his future prospects. It is also true that work in Government offices is becoming more and more soul-killing and the

scope for creative and original work is becoming less and less. Enthusiasm, thinking and intelligence are not encouraged.

In addition to these difficulties in the work and in the environment there are also conditions in the life of the Christian Government servant which make it almost impossible for him to give an adequate witness to his faith. One of the commonest faults of Christians in service and in the professions is that they succumb to the temptation to neglect their spiritual life, partly for want of time, partly on account of laziness, and partly because of inability to adjust their work and their leisure. Government servants and professional men need to be helped to observe and maintain a "rhythm of work and worship"; and helped to find time amidst their busy lives for the deeper things in life, for spiritual exercises, for social service and for participation in the activities of the local church or congregation.

A Positive Approach

It is, however, not possible to separate the official duties of a Government servant from his religious responsibilities. Hence we must deal with what a Christian Government servant must be and must do rather than with what he should not do and what he should not be. To the primary obligation of Christian witnessing several other subsidiary obligations are added in his case which together make up the peculiar type of witness he has to make in his daily life and in his contacts with the public.

The first of these is a clear conviction that every Christian in the service of the Government is not serving men but is serving God. Much of the disappointment and dissatisfaction which come these days to most Government servants and much of their indifference to and inefficiency in their work is due to the fact that they forget this elementary truth. The first thing which they need to learn in service is not to look for promotion or even fair dealing from the hands of men, however highly placed, but always to look to God and be confident in the assurance that God will certainly look after their interests better than they can.

The next obligation is the witness by efficiency. No Christian in the service of the Government can make any perceptible effect on his colleagues and on the people under whom he works except by being efficient in his work. An inefficient Christian Government servant not only endangers his personal chances of rising in the service, but also brings into disrepute his religion and makes it impossible for himself to give an adequate witness to it. There is no reason why a Christian in Government service in India, who is in every case as well equipped intellectually as his colleagues and has had the added advantages of the Christian education and a Christian home, and has usually a sharper conscience and a more disciplined character, should fail to be efficient in his work. Laziness, indifference and scamping are mortal sins which he must scrupulously avoid.

The third is witness by honesty. In these days honesty is becoming a rare virtue. People have to be induced to do their work by means of extraneous considerations. In several cases it is illegal gratification. In others it is recommendation or influence. In such days as these people with a marked sense of duty, people who can be depended upon to do their work honestly, become more important than ever.

The fourth aspect of his witness is by a life of self-sacrifice, a life of love, a life where self-seeking is conspicuous by its absence. It is by personal friendship with their fellow workers, by the exhibition of love in all that they do and say, by never forgetting to do as they would be done by, that Christian Government servants can make their witness. It is their duty to win their co-workers and superiors by love and friendship and disinterested work.

Fifthly, a Government servant must attempt to be constructive in his work, to make some definite contribution through it to the life of the people; not to think of his work as just routine and mechanical, but as something which affects one or more people vitally. Every portion of his work must be characterised by the human touch. The temptation to become just conventional and traditional in carrying out his daily duties must be resisted.

It has however to be borne in mind that Christians in Government service in India form only a very small fraction of the total number of Government servants in the country. They are surrounded by non-Christians, as colleagues, as superiors and as subordinates. It is this that creates most of the difficulties that have been referred to above. It is not likely that these conditions are changed in the near future so as to give Christian Government servants a more favourable atmosphere to live and work in. But in Government service a real Christian gets the largest amount of opportunity to do good and to demonstrate his Christian principles. And so the more of such Christians we have, the better it will be for the Church and for Christianity in this country.

RAJAI AH D. PAUL.

CHRISTIANITY AND THE PROFESSIONS OF LAW AND GOVERNMENT IN GREECE

We are most grateful for this survey which was written especially for the present issue of the bulletin and which represents the combined efforts of a group of young lawyers and students of law.
Ed.

Introduction

Christianity is deeply rooted in the soil of Greece. Ever since St. Paul brought the Good Message to this country, Christian faith, harmoniously interwoven with the cultural heritage of Classical Greece, has penetrated every realm of Greek life. The result of this fusion of Christian and Greek cultural elements was Byzantine civilisation, which has attracted the interest of the West only lately. During the thousand and more years of Byzantine History, administration, and law, which was in effect Roman Law adapted to local Greek conditions, were greatly influenced by the teachings of the Orthodox Church. When the Byzantine Empire collapsed and Greece was conquered by the Turks, four hundred years of foreign rule followed, during which time the Church became the only refuge of its distressed children. Taking advantage of some privileges conceded to the Patriarch and the Church by the conqueror, ecclesiastical courts

were able to extend their jurisdiction over a great variety of legal cases. The system of law applied was Byzantine Law, which thus was preserved in its integrity until the country won its independence at the beginning of the last century. This same law governed civil cases for more than a hundred years in liberated Greece, until the new Civil Code was put into force in 1946. The Byzantine tradition can also be traced in the Constitution of Modern Greece, many articles of which are inspired by Christian ideals.

The interplay of Church, State and Law throughout the centuries of Greek life, must always be kept in the mind of those who want to understand the relations between Christianity on the one hand and Greek law and administration on the other. Of course nobody can ever contend, owing to this historical process, that the present Greek law is a purely "Christian" law, and the Greek State a purely "Christian" State. The influence of the materialistic and positivistic theories of the last century has been strongly felt in Greece too. Nevertheless Christian ideals are still the underlying factor of great parts of Greek legislation (e.g. family law). The result is that some of the problems of the relation between Christianity and law, which are being discussed at length in other countries at the present time, are no problem at all in Greece.

But there are problems in Greece too. Christian lawyers and administrators are studying them and are trying to find a way to christianise or re-christianise law and administration in Greece. The present paper is a survey of their efforts.

Professional Movements

There are no special groups or movements of Christian lawyers, Government officials, Members of Parliament or public administrators in Greece. Yet these professions are widely represented in the great lay movements which are characteristic of Christian life in this country and actually provide them with most of their leaders. Their task in these movements is twofold: on the one hand they actively participate in the general programme of the movement, while on the other hand they study, either separately or in co-operation with representatives of other professions, problems of particular interest to them. Here is a description of the work of the most important among these movements.

1. *Christian Union of Professional Men*

This organisation, which is better known in the outside world as *Aktines*, from the name of its monthly magazine, is the largest Christian lay movement in the country. Its main work, as far as our subject is concerned, is done through a group led by Dr. George Rammos, Professor of Civil Procedure at the Faculty of Law, Athens University. This group, composed of lawyers, judges, government officials and public administrators, meets fortnightly and discusses, from the Christian point of view, various problems of the legal profession, as well as questions connected with legislation, the administration of justice and the general progress of legal life. It also provides legal aid for needy individuals and families, in close co-operation with the volunteers (visitors) of the Charity and Relief Department ("Pronoia") of the "Co-operating Christian Movements." The conclusions reached at the meetings of this group are presented to the public in lectures and articles. Such were, for example, the lectures given, in the lecture hall of the "Hellenic Light" (Hellinikon Phos) Movement, on divorce, on crimin-

ality, on the importance of legal trial as a cultural phenomenon, etc., or lectures on similar subjects made at parents' meetings and on other occasions. A special meeting for Police and Gendarmerie officers (almost the entire force of Athens Police officers was present), which took place at the same lecture hall, is also worth mentioning.

Subjects related to Law, Economics and Social Organisation are also discussed at the "Seminars of Christian Cosmotheory" organised by the Christian Union of Professional Men, at "Hellenic Light" regular meetings, and especially at the Study Centre for Social Workers, which functions under the auspices of "Hellenic Light."

2. *Christian Social Circle*

The Christian Social Circle was founded, in the summer of 1943, by a small group of professional men, especially politicians, lawyers, economists and public officials, who believed in the Christian philosophy of life. Its immediate aim was to study social problems in the light of their faith in view of the forthcoming liberation of the country from enemy occupation, and in that way to contribute to the future reconstruction of Greece. When the country was liberated, the Circle sent a message to similar movements in Great Britain and the U.S.A., in which it suggested that Christian Social Organisations of all countries should "actively participate in all discussions for the postwar economic and social organisation of the world in the light of Christianity." Since 1945, the group has been meeting fortnightly in the Library of the Faculty of Theology of Athens University, under the presidency of its founder, Professor P. I. Bratsiotis. It has acquired many new members, representing various professions, while some of its charter members have been called to fill key government and administrative posts.

The Christian Social Circle has drawn up a list of forty important themes which cover a variety of fields, including Law, Government, Economics, etc. Detailed reports on each theme are presented to the members and serve as a basis for discussion at one or more meetings. The conclusions are written down in carefully prepared statements.

In 1951, the Circle published a book under the title "The Social Problem and Christianity", which contains a short history of the movement, its aims and principles, and some of the reports and statements drawn up so far.

The Circle also plans to convene, as soon as possible, the first Panhellenic Conference on "Practical (Applied) Christianity."

3. *Student Christian Movements*

Students of Law, Economics and Political Science, who are members of student Christian movements, are given many opportunities to discuss the problems related to their future careers in the light of Christianity. The Student Christian Union, for example, organises special evening meetings for such students, open also to non-members, at which problems of the law and the legal profession are discussed and the lives of great jurists of the past are studied. Among the subjects discussed last year were such as the Crisis of Constitutional Law, Problems of Administration, Christian Influence on Family Law, the

Lawyer's Profession. There are also three Bible Study groups for law students of the S.C.U. On the other hand, the Student Christian Association has a "cell" for law students which has discussed, so far, the problems of Property, of the Revival of Natural Law, and other problems.

4. Other Groups

Legal and administrative questions are also studied in other Christian movements ("Zoe," "Christian Orthodox Unions," "Christian Corner"), but not as systematically as in those mentioned above. On the other hand, the relation of Christianity to law and Government is often dealt with in Parliament or in various legal committees, whenever the legislation in question presents a moral or religious aspect. The question of religious vs. civil marriage was, for instance, vividly debated, some years ago, by the Commission which drafted the new Civil Code of Greece (see below). Another interesting debate, on the position of Christianity and the Church in the State, took place quite recently at the National Assembly which amended the Greek Constitution.

Main Problems

a) *Relations between Church and State*

This question is frequently dealt with in the works of Greek jurists as well as in the decisions of the court, due to the important role played by the Church of Greece in the life of the Greek people. The fact that the population of the country is Greek Orthodox in its overwhelming majority (99.6%), is of great importance in this matter. It is therefore not exaggerating to say that the Orthodox Church is *the* Church of the country, which is shown by its name: "Church of Greece."

The relations between Church and State are governed in Greece by a system under which the Church, though separated from the State, is in a privileged position and is given special assistance and protection by the latter. The privileges of the Church are safeguarded by the following articles of the first Chapter of the Constitution, which bears the title: "On Religion": Article 1, which recognises the supremacy of the "Eastern Orthodox Church of Christ," grants religious freedom to every other known religion and forbids proselytism or any other kind of intervention against the Orthodox Church. Article 2, which *inter alia* proclaims that the Church of Greece is autocephalous (autonomous) though dogmatically united to the "Great Church of Christ in Constantinople" and imposes the preservation of the apostolic and synodical rules and of the Holy Tradition; this article also declares the inalterability of the Holy Scriptures and protects freedom of religious conscience, provided it does not conflict with the duties of the citizen towards the State (the case of conscientious objectors).

"Church and State" has been the subject of a long discussion by members of the Christian Social Circle, the conclusions of which can be found in a statement included in the above-mentioned book on this movement. The statement contains twelve points: (1) The best system of relations between Church and State in Greece is that of "accord, harmonious coexistence and co-operation." (2) The need of material assistance to the Church from the State and the importance of the moral mission of the Church within the latter is emphasised: "the rela-

tion between State and Church is similar to that between body and soul.” (3) There should be no conflict between Church and State: on the one hand the Greek State must protect the Greek Orthodox Church, enforce her decisions, grant her full freedom in the fulfilment of her spiritual mission and regulate with understanding the so-called “affairs of a mixed character”; on the other hand the Church should refrain from intervening in the affairs of the State and should teach her children to respect the State and obey its orders, unless these are in conflict with the law of God. The next points deal with the Orthodox Christian education of youth at all Greek schools, (4) with the importance of the laity which is the “body of the Church,” according to the classical declaration contained in a letter signed in 1848 by the Orthodox Patriarchs of the East (5), with the traditional rights of the laity and of the presbytery within the Church (6), which should be re-established and safeguarded, both constitutionally and legally (7). In the last five points of the statement the following recommendations are made: (8) that the historic and significant preamble to the Greek Constitution (“In the Name of the Holy and Consubstantial and Indivisible Trinity”) be maintained in future revisions; (9) that it be constitutionally enacted, that no religious act or law can be passed by Parliament without previous agreement with the Church of Greece and the Theological Faculties of Athens and Salonica; (10) that no distinction be made between administrative and dogmatic rules (canons); (11) that proselytism be systematically attacked; (12) that the religious oath be abolished and substituted by the word of honour.

The relations between Church and State are also discussed, though from a more philosophical viewpoint, in Chapter VIII of the book *Towards a Christian Civilisation* (see bibliography). The author's conclusion is that “on spiritual and cultural questions the problem of State intervention is different from economic questions. The mission of the State in the field of the spirit and of civilization is to be the guardian of freedom and of harmony. Without imposing ideas, the State should be able to impose respect for spiritual values.”

b) *Christianity and Politics*

All Christian movements have adopted the same line, in regard to party politics. The attitude of the *Aktines* movement is expressed in a pamphlet, *Christianity and Politics*, which contains the various articles written on the subject in *Aktines* by P. Melitis. Christianity can have a beneficent effect on politics; but it does not act as a political party. The centre of Christianity is the Cross, whereas the goal of politics is authority and secular power. Moreover, if a party is labelled as “Christian,” there is always the risk that its policy, good or bad, may be accredited to Christian teachings.

But we must not identify the idea of a Christian party with the influence of Christianity on the political life of a nation. The Christian, as an individual, ought to take a stand in the political problems of his country. With his Christian conscience as his guide, he will select his party without becoming a slave to it. The task of Christianity is to raise the spiritual level of the people, which necessarily will bring a rise of the political standards of the country. It must always be kept in mind that the success of every political effort depends, in the last analysis, upon people. And people, human beings, are not shaped by political programmes. Only Christianity can transform people. Beyond the power of the State is the force of the Spirit, the force which rules the rulers.

c) *Christianity and Private Law*

Marriage, family relations in general, divorce, and the Christian conception of property and work are the chief subjects which have attracted the interest of Greek Christian lawyers in the field of private law.

Marriage is, in Greece, the legal institution which is most influenced by Christian principles. A proof of that can be found in the importance attributed to the religious celebration of marriage (according to Art. 1367 Civil Code, "the marriage of persons belonging to the Eastern Orthodox Church is non-existent, if a religious celebration by a priest of that Church has not taken place"), and in many of the legal impediments of marriage, which are due to the influence of the Church and reveal a deep religiosity on the part of the Greek people. Of course there have been attempts, from various sides, to restrict the influence of the Church in this field, but the majority of Greek lawyers and politicians have always been against such attempts. The words of Professor G. Balis in his introductory report to the Greek Civil Code are characteristic of this religious attitude: "The Code fully preserves the religious form of marriage of the past. Since marriage must be celebrated in a solemn way, because of the exceptional importance of the act, there is no reason for us to replace a religious celebration, which has been established for centuries, by a perfunctory civil ceremony. On the other hand it is beyond any doubt that the spiritual element, which in the minds of the great masses of the nation is connected to the inseparability of the marital link, is the firmest foundation of marriage."

Another reflection of this attitude is to be seen in the stand taken by Greek scholars of private international law on the question as to whether the religious celebration of marriage should be classified as a matter of form or as one of essential validity, the second theory being almost unanimously accepted on the ground that there can be no distinction between the form and the essence of a "sacrament."

Lawyers who belong to Christian movements not only endorse the above-mentioned attitude towards marriage, but also try to expand it into all fields of *family law*. Their theory, which they try to apply in their practice both as counsellors and in court, is that family law should not exist at all, family relations being governed by moral and spiritual principles alone.

Their attitude towards *divorce* stems from the same principle. Although they recognise that divorce is in some cases inevitable (a fact also accepted by the Church of Greece), they believe that society and especially the persons involved in the procedure of divorce, i.e. lawyers, judges and Church officials, have to play an important role in eliminating or reducing its causes. An article by Professor G. Rammos published in the December 1953 issue of *Aktines* demonstrates, out of a long and fruitful legal experience, how great that role can be. It is worth mentioning, in this connection, that according to Greek law, no action for divorce is admitted unless the parties have appeared before the Bishop for an "attempt at conciliation." Christian lawyers always stress the profound significance of this procedural rule, which is sometimes reduced, in practice, to a mere formality.

Other problems of private law as discussed by Christian scholars are *work* and *property*. The main findings of several groups are as follows: The best and most lawful source of property, according to the Christian view, is honest work. Yet all material goods are considered as gifts of God, and their owners

as simple trustees and managers responsible to God and Society. Consequently, the right of property is not an absolute "jus utendi et abutendi," but a relative one: ownership is a social function. In accordance with that principle, it is desirable that large properties should be reduced in order to reduce social evils as much as possible. The social and economic ideal of Christianity is contained in Deut. 15, 4; Rom. 12, 13 and Eph. 4, 28.

Work is both a duty and a right: it is a social function. It follows that not only idleness, but unemployment too, is a social evil, which must be responsibly faced by a Christian society. On the other hand, work is not only the result, i.e. the product of work, or the skill (τέχνη), i.e. the part of the worker in the process of production; it is primarily the expression and projection of the personality of man, who thus becomes a minor creator. That is why labour can never be considered, from a Christian point of view, as an economic good. Consequently the position of the worker in society must be in relation to his value as a human person and to the conception of work as a social function. According to this view, labour problems should be dealt with not only with justice, but also with love.

d) *Christianity and Penal Law*

The basic ideas of Greek Christian lawyers on crime and Penal Law have been published in the book *Towards a Christian Civilisation* (pp. 209-210). Punishment is the morally necessary consequence of crime. But forgiveness is no less known to Christianity than punishment. The prevention of crime is, of course, a Christian demand. Christianity desires punishment to be administered in a corrective and redemptive manner. Punishment is not an expression of hatred against the criminal. The sinner is a person dear to Christianity. On the other hand, *nulla poena sine lege* is a rule which every Christian conscience will approve of; so are the rules of law protecting the accused person and the witnesses from maltreatment or intimidation.

Among criminal offences, which attracted the attention of Christian lawyers in recent years, are those directed against public morality, like showing of immoral theatrical plays or films, sale of indecent books or magazines, etc. Protection in this matter is granted by the Penal Code itself, but the relative provisions are applied very loosely. Social education of responsible people (judges, lawyers, etc.) is the most effective remedy against this evil. Not spasmodic measures, but wise action is the right attitude for Christians in this field.

e) *Litigation and Legal Profession from a Christian Point of View*

The legal trial is the expression of a social disease. In searching for its causes we are confronted with manifold problems. In family disputes, for example, the main cause is the absence of a spiritual background in the marriage. The aim of the trial is to remove troubles from the social organism. The success of this aim depends upon the so-called factors of the trial. The litigant must be sincere and true. He exercises from the beginning to the end of the trial a social ministry, which is the basis of his rights. Sympathy towards his opponent will help him recognise the probable rights of the latter and will make him ready to accept an agreement. The lawyer, too, is entrusted with a divine ministry. He must inspire confidence in his client and at the same time display a spirit of

co-operation towards his opposing party. The witnesses, the experts, etc., should also help the judge pronounce the right verdict. The trial is a means of moral and social education. That is why the judge must find the real causes of the trouble and must show with sympathy and love that he has a human interest in the legal case. Christians should assist in breaking the ice between judge and society. In fact, Christian organisations very often invite judges to participate at their meetings. All those taking part in the trial must aim at an agreement between the opposing parties. The constant effort for such an agreement is one of the main duties of Christians as members of society and of Christian lawyers in particular as workers for social peace. These are the main conclusions on the subject reached in special meetings of Christian lawyers.

f) *Christianity and Administrative Problems*

The State is an abstract conception. Behind it lies the reality : government officials and public administrators. Professionalism has influenced unfavourably these professions, which ought to be based primarily on personal relationships. Bureaucracy has suffocated the human factor and a friction has sprung up between public employees and the citizen. Many efforts have been made to eliminate the friction in the form of laws, professional training, constitutional protection, etc., but none of them can give a definite solution to the problem, because the public official is principally a person. Every act of his is an expression of his spirit, of his own moral principles. Thus, the problem of administration becomes a moral one. The public employee must have a personal interest in his work. Of course, the State ought to secure his material well-being. But this is not enough. The right kind of personality cannot be bought. The administration reflects the moral standards of the community it serves. The failure of society is the cause of the failure of its administration.

g) *The Status of Women*

The Christian view on this question can be summarised as follows : Man and woman are free and equal. Man is the head of the family ; woman comes next, but in the way told in the Gospel (Eph. 5, 25). Political emancipation of women, which is an achievement of our times, is warmly welcomed by Christians, although there is a difference between this kind of emancipation and moral depravity concealed under the false name of "emancipation." Greece has signed without reservations the international agreement on civil rights of women. Is the equalisation of the two sexes a progress or is it a mistake ? Women themselves will give the answer to the question. Christian feminism has an important role to play in this direction.

h) *The Christian Theory of Law*

The main preoccupation of Greek Christian lawyers to-day is to formulate a Christian theory of law. Problems of the general theory of law (*Allgemeine Rechtslehre*), e.g. the foundation of "just Law," Christianity as a free judge of law, the protection of Christian values by the law, the biblical conception of law, are at present under discussion among Christian legal circles. So is the problem of "polynomy" and of the unprecedented expansion of legislation, which of necessity carries with itself a lessening of the power of law.

Exposing St. Paul's attitude towards law in "Paulus-Hellas-Oikumene", Professor Tsirintanes writes: "One should not think that St. Paul's teaching is of value to a lawyer, only as long as he has in view a society of faithful Christians. The fact is that even if society does not always share Christian faith, it does always, however, hunger and thirst after righteousness. This thirst is not satisfied with the laws that fill Government Gazette. It is satisfied with justice as a social reality. The law finds in St. Paul a source of power that will make the *ars boni et aequi* a much better thing than a definition of Celsus and a fragment of Ulpian in the Justinian Digesta: it will make it a reality." Of this reality we are told in the Declaration accompanying the well-known Manifesto of the "Christian Association of Professional Men," signed by some of the greatest jurists of Greece: "The series of failures and disappointments which is typical of modern times has made it clear that the urgent demand for... the rule of law and justice... can achieve realisation only when the life of individuals and the life of society is saturated with the Faith whereon Christianity is built."*

THE CHURCH AND LAW IN GERMANY SINCE 1945

We present here a picture of the German situation as it is at present in regard to the subject of this issue of the bulletin. The article is largely drawn from a special report which we owe to *Dr. Ingeborg Becker* who is a lawyer in the service of the Government at Bonn. Ed.

1945 saw the breakdown in Germany of a system, which was characterised by the substitution of the autocratic assertion: "Law is that which is to the advantage of the people" for the age-old query: "What is law?" Even the most naive could see into what impasse this absolute contempt of law has led not only its victims, but also its instigators. A new order had to be built out of the political, economic, moral and human chaos, and so one looked for a yardstick, for values not yet destroyed, on which to model such an order. What was the "just order"? Old laws were resurrected, sometimes without amendment, what yesterday was approved, was today unlawful, what yesterday was considered disgraceful and lawless, was today meritorious. The late regime had given up seeking for the only justifiable basis of law, justice, and now the other important factor in law, legal stability, had gone. The crisis of positive law was manifest. What could be done to overcome this chaos? To refer back to old traditions was for many reasons impossible. Life marches on, and a form of law was needed that would suit present conditions. This was especially true because of the conditions created by Nazi-ism, the war, and postwar events. There was a divided land, millions of refugees flocking into western Germany, millions of displaced persons and victims of Nazi persecution: aftermaths of war that had robbed some of all their goods and chattels, and left others unscathed. On what lines was one to administer and adjudicate here? To Protestants

* A detailed bibliography of books and articles which have recently appeared in Greece on the subjects dealt with in this report has been made by the authors and is available on request.

as individuals, it was clear however, that in this era of "Legal unlawfulness, and law which overrides the laws" (Gustav Radbruch) they could not, and must not, as professors of law, as judges, as legislators, as administrators, or in whatever capacity, separate their professional activities from their Christian life, nor their responsibility for publishing their faith from their private Christian belief.

Out of this situation the enquiry developed on two lines: 1. Firstly one inquired into the existence of law itself, and above all into the absolute of truth in law. 2. Secondly—into the just solution of concrete problems, in their general and legislative, as well as individual aspect.

1. As regards the first question, whether there is generally speaking a law governing this world, philosophy, poetry and history furnish many examples of attempts to solve this problem. Even before 1945 the mind of the Protestant who reflected on this problem of law was turning, insofar as he recognised the indivisible wholeness of existence, towards the Holy Scripture of the Old and New Testament, to the history of God and His people. These Protestants thus held the position not only of jurists and philosophers of law, but also and in particular, that of theologians. It was recognised, be it with some reluctance in Lutheran circles, where a "pure theology," which sharply divorces the two worlds, and which surrenders this world to its own system of law, will lead. Thus there have been not a few publications by German Protestants in the last years on the subject of law and the state from the Christian viewpoint, and in search of a theology of law. "The Law of Nature and Justice" (Ernst Wolf); "The Law of Nature and Christianity" (Küchenhoff); "The biblical Message of Justice" (Schrey); "The Church and Public Life" (Thielicke); "Theological Pointers to the Law of Nature" (Schlink), to name only a few. These publications have linked up with the widespread work of the ecumenical movement as a whole, which has been concentrating, in conferences and meetings, in particular at Bossey, and at the 1950 conference at Treysa, on the subject "Justice from the biblical viewpoint." In Germany the works of Jacques Ellul "The theological foundation of law," of Brunner, "Justice," of Barth, "Justification and law" and of Niebuhr, "The children of light and the children of darkness" have also been of fundamental importance. Apart from these concepts of a biblical foundation for law, a line of thought has developed in Germany, not too happily, which aims at giving concrete and significant answers to problems of law and social order: this is the so-called "Indication" school of thought of Erik Wolf. This school seeks to approach the statements of the Bible, not literally and therefore as proofs, on the other hand not as devoid of all social obligation, but as setting a limit to our actions and showing the direction we should follow, and thereby to set the political and legal order on a certain path, on the lines for example of the indissolubility of marriage, the suppression of the oath, correct weight, the suppression of exploitation by money lenders. The philosophy of law has never found a formal definition of justice, and has never been able to give a general rule when to treat like as like, and when to treat unlike as unlike, nor what a man may call his own property. The scripture however tells of God's dealings with men, and tells of events which in themselves were examples of absolute law, or in which men were told in specific situations what was absolute law. The idea contained in this concept of showing the way is that we should apply to our own circumstances what we are shown by the Bible.

2. This movement has developed most especially in the Evangelical Academies that have been springing up like mushrooms in Germany in the last few years. Conferences have diminished or laid aside many misunderstandings: such as that of the theologians that the order of the state is no concern of theirs as long as they have freedom to preach the gospel; or that of laymen, in our case of the jurists, that theology can give ready answers to their problems and thus take all responsibility from them. The questions on law, and social and economic order that have been brought up in the Evangelical Academies or at other conferences, as for example the annual Evangelical Church Rally, or in circular letters to jurists, cannot be overlooked. Questions that recurred again and again on account of their urgency were those of equality of rights for men and women, which is part of the fundamental law of the Republic, the refugee problem, the question of social compensation for war and post-war damage (*Lastenausgleich* *), the problem of capital punishment (abolished in western Germany), questions of family and marriage rights, in particular that of divorce, the question that stands in the foreground of the political scene, that of contribution to defence and the reintroduction of military service, property, land reform, nationalisation, and many other kinds of political questions and, cropping up again and again, the question of a Christian foundation for law. There are also Evangelical Academies in the Russian zone of Germany, although questions of law can scarcely be dealt with there. There the central point of discussion is the action of individual Christians. Moreover, it may be considered one of the results of the discussions that it is held important how the Christian jurist decides the individual case, for the Holy Scripture sets limits and shows the way even where that is concerned.

Though nobody can take away responsibility from the individual, be he magistrate, civil servant, advocate or whatsoever, the Christian community may either give or refuse the support needed by those Christians who in their professions have to make decisions which sometimes have far-reaching consequences. It is one of the aims of these countless meetings to make the members of the legal profession feel that they are not left alone when they have to make up their minds about concrete questions. It is true that the parishes could and ought to sustain them if not always with their understanding at least with their intelligent prayer and with friendly neighbourliness. But how many of our parishes are mature enough to see that they have a real spiritual task in regard to the daily work of their members? In the Evangelical Academies, however, politicians, administrators, magistrates may meet with other Christians of the same profession who know their problems and with whom they can talk freely. There they may find some guidance through a common endeavour to thrash out the issues at stake. They also meet with theologians, pastors and mature Christians from different walks of life who help them to see the implications of the Christian faith on a particular question. It is not only convinced Christians who are attracted by these meetings, but very often non-Christians or those indifferent to religion attend the conferences and find there free fellowship in which they can seek the truth together without being patronised and

* *Lastenausgleich* is a system whereby compensation is afforded to those who have suffered material losses as a result of the war, by means of a special tax levied from the more fortunate.

away from the pressure of everyday life, of party or economic interests. It has been in such meetings that some of the most important matters of present legislation such as rehabilitation, co-management, marriage problems, re-armament, etc., have been discussed in a friendly way by those who in parliament or in the economic and social struggle are opponents. Sometimes the way has been thereby paved for a solution which was acceptable to the two partners.

It must be added, however, that, unlike some other Christian groups, past and present, the Evangelical Academies and their leaders are aware of the fact that it is not only the individual who counts in such matters. That the world would be near to perfect if only every individual were converted in his heart is a pious wish which has done more harm than good. There are certain problems of a structural nature which can only be tackled by the corporate effort of a sufficient number of people. Not only the betterment of the private behaviour of politicians and administrators, not only the responsible decision of the individual judge or member of parliament is a Christian concern, but also the change of social structure or the change of a certain professional setting if the present one proves to have produced unsatisfactory results. Therefore the problems themselves need to be carefully studied by those who are familiar with them. This sort of work is done by expert groups called by the Study Association of the Evangelical Academies, which is an organisation on the national level, by the Scientific Research Academy of Hemer (Westphalia), by special church commissions and by a number of study groups. In recent years these bodies have dwelt particularly on the problems of European integration, on the legal status of women, on special questions regarding unmarried women, on industrial-social relations and on the ideological basis of political parties, particularly Marxism, Liberalism, Conservatism. Most of the groups mentioned have published a number of books or pamphlets, thus contributing their share to the moulding of a sound public opinion. Sometimes expert advice was given directly to bodies who had asked for it, such as churches, trade unions, associations of industrial managers, women's organisations, the government. The annual Kirchentag, where hundreds of thousands of people meet, is often the occasion when the results of such quiet study work will begin to permeate a wider public and when an attempt is made to enlist the necessary man power for putting them into practice.

It must, however, be added that all that has been described is only a beginning. We are glad that these promising beginnings have been made amongst us, but we are too conscious of the fact that for this very reason our responsibility has increased. More should be done, less labour should be wasted, we must dig deeper in order to discover the source of the evil and to find the remedy; and at the same time we must be still more concrete and down to earth, yet without identifying with some measure of temporary value the truth of the Christian Gospel.

There has been however another outcome of the eternal discussion on the theological foundation of law, and on practical questions of law between Church and world: the world saw that it could not establish a new order without the Church and its gospel, and the Church saw that neither in Church nor State can laws be modelled according to men's whims. For the Church this meant the gradual realisation that it should model its own constitution in accordance with its own character, and that it should not as previously simply take over political

law. The "Church's form of law" (Erik Wolf) should be in accordance with its essential character as the Church visible and invisible, its law must be "confessional," must itself be an act of proclamation. The long and intensive efforts that were made in forming the constitution of the German Protestant Church show that here the matter is being taken more seriously.

CHRISTIANITY AND LAW — A SWISS REPORT

Christianity is a practical affair, something which affects the whole person, and it is thus bound to have its consequences on the professional side too. There are some professions in which a Christian outlook is particularly important, namely those whose members are called in to advise their fellows, such as medicine, vocational and marriage counselling, and newspaper correspondence columns. Among these ranks the lawyer, whether his actual work takes the form of attorneyship, magistracy, fiscal administration or politics. Many a lawyer has, of course, settled to struggle along from day to day with compromises and contrivances, and given up seeking permanent principles for his sometimes oppressive decisions. But who is satisfied with that? Certainly not anyone who has the slightest genuine link with the Christian Church. He wants to be clear as to how he should carry out his duties in the light of Christian responsibility.

In consequence of this need, a number of professional groups have sprung up—including one for lawyers—through the Protestant centre run by Dr. H. J. Rinderknecht in Boldern, in the canton of Zurich. Judges, solicitors, barristers, professors, administrative officials, association secretaries, politicians, all are members, numbering some thirty to forty. For the most part they are from Zurich and its environs, but there are also members from Berne, Lausanne and Solothurn. They meet twice yearly at Boldern for weekends; otherwise evening meetings are arranged in the city.

The accent is on consideration of Christian responsibility in the legal profession. The most recent meeting was to discuss "The Truth in our Profession." Introductions were by a solicitor, a legal consultant, an association secretary, a judge and a police psychiatrist. The next day we had a professor of theology to tell us about the Biblical conception of truth, and after that we considered the implications for each one of us of telling the truth *hic et nunc*, in our own concrete professional positions.

The critical period through which law is passing, and especially the de-personalisation of jurisprudence today, were also dealt with in detail.

The problem of fatigue and lack of time has been realised to be a very acute one. Lack of time forces the judge to get through five divorce-suits in one morning, prevents the solicitor from espousing his client's cause with the ardour the latter as a fellow-creature deserves, and stifles personal contact between the professor and the student. In the various branches of the legal profession as elsewhere the proverb is seen to be true that "haste is the devil in his modern manifestation."

Another meeting was devoted to the theme "The Lawyer and his Neighbour." The relation of the Christian to his neighbour is a relation of service in and from love. What is the position with regard to such service in the legal profession,

for instance to the solicitor's being "at his client's service"? Is it not frequently the case that the solicitor will do nothing for his client without a fee, but that he is willing enough to undertake anything a paying client requires of him, regardless whether the affair he is handling is a decent one or not? Yet a Christian lawyer will better serve his client's interests by criticising his requirements to some extent. This discussion was continued at a later meeting under the extended title "My Rights and my Neighbour." Where and when does the pursuance of one's own rights find itself brought up short by the Christian injunction to love one's neighbour?

A more political tendency was noticeable in the reports and discussions on "The Christian and the Authorities" and "Our Position as Christians in Relation to the East."

Legislative problems were also studied. We dealt in particular with the revision of the Zurich ecclesiastical laws now going forward. In addition, however, we devoted ourselves quite generally, apart from concrete legal points, to the question of Christian, and especially Biblical, indications as to the legal code. Does the Bible furnish an answer to our queries regarding a just order of living, a right and proper law? Unfortunately this study did not go beyond the stage of promising beginnings; it was limited to the discussion of relevant literature, such as *Rechtsgedanke und Biblische Weisung*, by Erik Wolf (Tübingen 1948), *Christengemeinde und Bürgergemeinde*, by Karl Barth (Zollikon 1946), and *Die Biblische Botschaft von der Gerechtigkeit und unser Recht*, by H. H. Walz (Tübingen 1948).

More and more there has grown up among us lawyers a need for a deepened insight in central questions of faith. The focal point of our meetings has visibly shifted from the technical legal aspect to the intellectual and spiritual. Small groups of four or five lawyers have been working over particular passages in the Bible, and the resulting findings have been discussed later in larger meetings. Thus we have turned our attention to the ordinances concerning fellowship in St. Matthew 16-18, thence to the realisation of those ordinances as related in Acts, and finally to the Christian community as an organism of charismata and service (I Cor. 12-14).

At one of the most memorable meetings a visiting theologian told us of the significance of the Holy Spirit, "The Holy Spirit in the New Testament and Today." A former lawyer who has now become a pastor expounded to us the problem of "Christ as Example and as Redeemer." It is undoubtedly one of the most successful and necessary things you can have, at a time when theological language is still only partly understood, to be given the Bible message translated into the terminology of your own profession. The same methodology in dealing with problems and concerns of others from the same or allied professions likewise results in a much swifter growth of Christian fellowship that we find today in parishes constructed on the purely territorial principle.

I have not heard of any similar groups existing in other parts of Switzerland. Problems belonging to the general field of "Christianity and Law" are, however, now and then dealt with in lectures and discussions, party meetings and parliamentary inquiries. Thus in recent years there has been considerable controversy over Article 51 of the Swiss Federal Constitution, dating from the period of the *Kulturkampf* or anti-Catholic campaign in Germany in the eighteen-eighties, under which the Jesuits are banned from Switzerland. (Para 1 of this article runs: "The Society of Jesus and all associations thereto affiliated shall not be

admitted to any part of Switzerland, and their members shall be forbidden to exercise any activity whatsoever in churches and schools.”)

As to periodicals dealing with these matters, mention should be made of the Berne paper *Reformatio*, which has high standards and a firm Protestant outlook. A special supplement (No. 4-5, 1952) tackled, from various aspects but from a general Reformed standpoint, problems of the theological foundation and practical fashioning of politics. In very recent days, again, there is the special issue of the *Politische Rundschau* for October 1953, dealing with “Politics and Faith.” In the discussion concerning justice from the Christian and Protestant standpoint, Prof. Emil Brunner’s book *Gerechtigkeit* (Zwingli-Verlag, Zurich 1943) in Switzerland takes a central place. It is, however, particularly the writings of Dr. Werner Kägi, the Professor of National and International Law in the University of Zurich, which provide guidance in Christian decision amid the great questions of the day, and clarification as to the basic legal problems and the problems of the constitutional State, democracy and the right to resist. (Cf. *inter alia* his treatises in the yearbooks of “Die Schweiz,” his paper on the Constitution as the legal foundation of the State [Zurich 1945], and in particular his forthcoming book *Staatsallmacht—Widerstandsrecht—Rechtsstaat*.)

ARTHUR MEIER-HAYOZ.

THE CHRISTIAN JURIST IN THE NETHERLANDS

If we ask ourselves which problems the jurist meets in present Dutch society, it is useful first to recognise that this jurist finds his sphere of activity in the most diverse places of society. The academic education which is aimed principally at the preparation of judge and advocate has up to the present time made it possible for the majority of jurists, who cannot or will not find a place in one of these two fields, to come into positions in which they can perform commercial, social or political tasks. That the education must reckon with this fact of increasing specialisation is acknowledged in a projected University Law in which it is purposed that the Doctor of Law candidate’s qualifying examination have special emphasis on the commercial, the political, the social or the juridical field. To this ought to be added a one year period of resident study. It is clear that the jurist, especially the Christian one, who may stand within such a large variety of vocational callings, is faced everywhere with the intersection of his work and the Christian way of life. To go into all of these concrete cases would divert us from the main problems which are the topics of discussion in conferences. The central problem is the tension which exists between law and the righteousness presented to us by the Bible. Is the Divine Will for Righteousness indeed our guide for conduct? We are able to see this, though incompletely, in the order of creation as “being” and “what ought to be” or “this world” and the “Kingdom of God.” Isn’t it true that we have not only to acknowledge the facts, but we have also always to be aware that the absolute demands which righteousness puts upon us must agree with these facts? Is this a “next best”? Still we see here, though this is difficult for the jurist, that righteousness and law are not two worlds, but one world in which God’s action occurs. And therefore, it belongs to the essence of law that man has as his norm the

righteousness of God. Thus, we shall protect the weak and limit the strong, and "suum cuique" shall be a new idea differentiated from equality before the law. We have also to understand that righteousness in this way requires love and justice as two essential elements. Love without justice in an order would lead to disorder. International law, national law, capital punishment in criminal law, the idea of person and property in civil law, religious liberty, the legal position of woman, are only a few things to which in this connection new attention is paid. In conferences of Christian jurists the following problems also have come up:

In his practice the jurist comes into contact with the modern forces of organisation and regimentation which bring the Christian jurist into conflict with his doctrine of man. What is his position in the midst of this "depersonalisation" within the legal order? An important question is whether it is desirable that a church community intervene in conflicts between its members when they seek judgment over their material differences. Is not the legal judgment of the professional indispensable in such cases? If the church intervenes in such a process, it is to be feared that a condemnation of legal procedure as such will take place prematurely.

With reference to the foregoing view, the question has arisen whether there is a difference between the conduct of Christians and non-Christians in legal practice. Many jurists state that within ethics there are the moral norms that guarantee the high level of fulfilment of vocational duties. It is stated in opposition that ethics became systematised only when another alternative was not recognised and there was no longer the awareness that the essential thing is living with the Living Lord, and therefore, existence is primary to ethics. Certainly we must see the possibility that, if there are only small differences in the legal practice of Christian and non-Christian jurists, this is an after-effect of still operative Christian values, e.g. in the question of divorce. But we must consider this a diminishing phenomenon.

A many-sided problem is the increasing centralisation of functions and regulations in the State. This is related as well to the aforementioned regimentation, depersonalisation and hyperorganisation. Another point touching upon this is found in the new civil law code prepared by Prof. Meyers, the revisions of which will be thought through by a small group of Christian jurists.

This brief survey of the problems which arise out of the mutual contact of Christian jurists is only a very provisional reconnoitring which of necessity needs to be deepened through continuous attention and discussion.

W. VOGEL.

A SCANDINAVIAN CONFERENCE

Extract from a report given by *Johan B. Hygen*

From 27th until 29th August a Scandinavian conference of theologians and jurists, sponsored by the Nordic Ecumenical Institute, was held in Hurdals Verk in Norway to discuss the question "Christianity and Law." The position of the problem was most forcibly expressed by the prominent Swedish jurist, Professor Nils Herlitz, in his talk on the constitutional state.

What has given the idea of a constitutional state its greatest force is the thought of a law or justice, valid in itself, and independent of the state, but to which the state conforms. The general idea of justice is of something more than what is contained in written laws. People will not give up the idea that there is something just in itself, and expect jurists to give the final decision on this. But where do we find absolute and objective truth? Contemporary jurisprudence has been taken over by the state and has become positivist. There are few who would have the confidence to say precisely what is right in itself, and what is justice. Therefore the words of the jurists have no longer the weight they used to have.

This position was illuminated by examples from the jurists' field of work. The chief task that faces the jurist is still that of relations between fellow citizens. The older jurists have much to say on the correct form of these relations. Today what is called right or just in this field is only the expression of the opinion of different persons or groups. Jurisprudence can of itself say nothing of weight. In criminal law the idea of just punishment, which was once the basis of criminal law, has a very relative role. Regarding the relations of state and individual there is no universal norm, which fixes the boundaries of the rights of the individual and the community. Perhaps the traditions of the constitutional state hold most strongly in the realms of spiritual and personal freedom. But even here all sorts of provisos are made, and one must rest content with very modest minimum claims. In the same way international law has a very uncertain existence. Formal elements, such as the decision of all questions of law according to established standards of justice, or that of the democratic division of power, and the representation of the people, do not suffice to ensure the constitutional state.

Academic theses cannot change men's feelings and reality. The question that arises from all this is whether the nations' thirst for justice is, and will continue to be, sufficiently strong. But the work of jurisprudence is a necessity in order that hazy instincts that doubtless exist may receive consciousness and form. It would be of great significance if one could detect on the part of the academicians a new tone, a change of emphasis in their research, a striving to find an absolute validity. One would like to hear again in all academic work the confident sound of "ought"—this word that expresses in the last resort the deepest thing in mankind. But how? One must take care that the ideology of state absolutism becomes in no way more firmly grounded than the waning ideology of the constitutional state. And one must not despair if a convincing logical argument fails. Those who on the ground of unprejudiced search for truth can lay down no irrefutable principles, can nevertheless advance ethical postulates as the expression of their own belief and conviction, and can thereby achieve a similar effect, if their thoughts are rooted in a lively feeling for eternal values and in a deep understanding of the needs of the age. And even if no mutual decision can be reached, scholars of various opinions can co-operate if they share something of the same spirit. We need a unity of all the forces of good. There is no doubt that western legal thought has its roots in the Christian message, in the Christian belief in the personal value of the individual. From this source can come the strongest impulse to the renewal of the idea of the constitutional state. And that is a source from which the jurists as well as the theologians can draw.

One might have thought that the threads of this argument could have been developed to advantage by the theologians. This, however, was not the case.

In the lecture of a theologian the paradox was demonstrated that there is no Christian ethic—by which could only have been meant that we can work out from Christianity no closed system of right moral dealings, on which to base specific decisions. One noticed that these paradoxical theses caused some consternation among the jurists. They had come to the theologians with the question: what can the Christian ethic contribute? To be told there is no Christian ethic somewhat surprised them. In the following discussion Professors Bring (Lund), Lindroth and von Engeström (both from Uppsala) judged quite differently the possibilities of a theological contribution in this, as Professor Herlitz called it, mutual task.

The experience, which is not rare at such conferences, that people have pulled their weight from first to last, makes one anxious to go on with the unfinished work in hand. Therefore at the end of November 1952 the committees of the various nations met in Sigtuna, Sweden, to plan the framework of a new conference. It was debated what could be done to attain a more concentrated discussion on questions that were already drafted.

GREAT BRITAIN: THE LAWYERS' CHRISTIAN FELLOWSHIP

A report by J. Neville Knox

The Lawyers' Prayer Union—now called the Lawyers' Christian Fellowship—was founded just over 100 years ago, namely in 1852. It is open to all members of the legal profession and law students and has now well over 500 members. The President of the Fellowship is the Right Hon. Lord Justice Denning.

The Fellowship basis of membership is acceptance of the principles of the Christian faith as taught in the Scriptures, particularly faith in Jesus Christ as Saviour and Lord, and its objects are to promote fellowship among Christians engaged in the legal profession and to seek to extend the Kingdom of God particularly in that profession.

The Fellowship is a means of comfort and encouragement to those who desire fellowship and communion with other Christians engaged in the same pursuit as themselves, and as affording an incentive to ask for mercies, which are much needed and often forgotten at the Throne of Grace.

The Fellowship is affiliated with similar Associations established among members of other professions to a Federation of London Christian Unions whose main function is the presenting of a united corporate Christian witness to their fellow citizens by means of a short series of meetings of a prominent character annually.

The Lawyers' Christian Fellowship in seeking to attain its objective encourages private prayer for all persons connected with the legal profession and promotes monthly and other meetings for corporate prayer. To encourage the presentation of the claims of the Lord Jesus Christ, particularly to other members of the legal profession, the Fellowship promotes meetings when the Christian Faith is discussed. It also provides Witness Teams of Christian lawyers who are prepared to witness what the Lord Jesus Christ means to them in their daily professional lives.

The Fellowship provides, in addition, principally by the publication of a Monthly Letter, for the exchange of information and experiences relating to the practical problems of the Christian lawyer and the application of the principles of the Christian faith to current legal and social problems. (As a practical aid each member purposes to bear in mind the above subjects for prayer between the hours of 7 a.m. and 9 a.m. on the first Monday of each month).

Religion has always had a great influence on law and our President has said that if the latter is to fulfil its purpose, which is to see that justice is done between man and man and between man and the State, it must be administered by men who have the right spirit within them, the spirit of truth and justice which cannot be taught, but which can only be known, and which is the product of true religion. A Christian lawyer must always try to be worthy of the vocation whereto he is called. He must strive to show in his life and in his example a true sense of Christian values. The Lawyers' Christian Fellowship is witness to this great endeavour. It is the heaven which lightens the whole.

LAW AND THE CHRISTIAN COMMUNITY IN INDIA

The Challenge of the Situation

In India the profession of the law has come to occupy a peculiar and a very important place. In the last part of the 19th century and the first two decades of the 20th—just when our universities were sending out highly qualified and well educated young men—the higher ranks in Government service were not open to Indians but were a close preserve of Europeans. Business, commerce and industry were still very undeveloped in the country. Hence a large number of our best-educated and most intelligent young men were compelled to enter the profession of law. Indians are also, as a race, fond of litigation. Thus the profession of law is also perhaps the most lucrative of all the learned professions. Young men simply rushed into it in such large numbers that it is now the most overcrowded of all the professions. The whole of the political leadership of the country fell into the hands of lawyers and every lawyer became, and even now is, a politician in a small or a big way. The overcrowding of the profession, the consequent competition and rivalry; and certain unsavoury traditions which have attached themselves to the practice of the profession, have led to a considerable deterioration in the ethical standards of the profession. The result is that the legal profession is looked at askance by Christian parents who would rather that their sons took up any other profession than go into law. The prevailing opinion in the community is that a Christian cannot be a good lawyer and that a good lawyer can never be fully a Christian.

Mr. P. Chenchiah, one of our leading Christian lawyers in South India and a devout, learned and thinking Christian man, wrote some time ago at my request a paper on the moral problems of a Christian lawyer in India which was found to be most valuable by a Conference of Christian Lawyers which was held in South India in 1952. The following is an extract from that paper :

"It is generally believed that certain professions are unfavourable to the growth of a Christian character and others favourable. I have heard it said that the Police department in Government services is definitely unsuited to Christian living as the temptations are great and almost irresistible. The legal profession is also classified among the professions which a good Christian should avoid on account of its besetting snares. But it seems to me that every profession offers temptations and presents moral problems to a Christian more or less of the same nature. Every one of the professions is now largely sub-Christian, and the problem is how to reconcile the comparatively low standard of the ethics prescribed or accepted for a profession with the moral standards prescribed by Christ; and whether such a reconciliation is at all possible."

Every occupation and profession has a tendency to produce certain peculiar diseases or certain types of moral warping. I mention these as they stand on the borderline of ethics and pathology.

1. The first of such warpings of mind which the lawyer shares with other professions is to regard the occupation as business and apply that thoroughly immoral maxim "business is business." This maxim is invariably interpreted as involving the exclusion of all higher ethics and softer human passions and regarding one's vocation in terms of gain and profit, of hard dealing. There is hard bargaining for fees, the adoption of the ethics of the market-place; a hardening of the arteries often occurs in the legal profession. No profession which regards love and sympathy as intrusions can ever become a worthy occupation for the Christian.

2. The great evils of the capitalist social order, competition and commerce, are permeating professions. Regarding advocacy as business is a symptom of the disease of commerce. The desire to underbid other lawyers in the profession, to malign your professional brother, to kowtow to clients, to sacrifice self-respect and dignity, are direct results of competitive rivalry. The moral degradation of the profession is to a large extent due to overcrowding and the resulting competition.

3. Want of courage is another weakness that curiously enough besets shrewd seniors rather than callow juniors—the sin of pleasing judges at the sacrifice of the client's interest, by adopting a line of advocacy in which the main effort is to be on the sunny side of the Judge. A deference to the Judge's views carried to the point of not doing justice to the client may not be a sin of cowardice but a worse sin of heartless diplomacy. To make capital out of acquaintance and friendship with a judge is another subtler temptation.

4. The chronic moral disease which the legal profession may produce is the danger of the whole personality becoming legalistic. Constant one-sided advocacy militates against detachment and a judicial temper. The whole mental outlook becomes partisan, life takes the form of a brief and the mind looks only at one side of the picture.

The Christian Answer

The problem that confronts Christian lawyers in this country in their attempt—along with the other Christians—to permeate secular life with the spirit and the ethics of Christ, is how far secular life is now in accordance with the Christian

ideal and where it falls short of Christian ethics. It is however by no means easy to determine what the Christian ideal is for the legal profession. Is it just upholding justice or is it something much more?

One consideration must be kept in view. The duty of courts in the modern world is not to do justice but to do it according to law. The law consists of enactments passed by the legislature. Whether the justice meted out in accordance with these laws corresponds or not to Christian ideals depends on whether the law as enacted corresponds to Christian ideals. It is the laws that have to be made more Christian, and not so much the practice and application of them by courts in which lawyers help.

Keeping this in mind, I may make the following suggestions :

1. Every Christian lawyer should scrupulously conform to professional ethics and never fall below it. For instance : During the long waiting days when briefs are slow in coming, the young lawyer is tempted to grasp any case that comes to him and cling to it. Usually only cases which have not much point or much fee come to a raw beginner. To retain the case he is apt to make out that the case is strong and the chances of success great. It is not so much the fee as the desire to retain a brief that makes a junior yield to the temptation. With seniors, the temptation is to take more cases than they can manage. The desire to earn money is a besetting temptation. There is also the temptation to handle cases without adequate study and preparation.

2. Every Christian lawyer should conceive it as his duty to prevent litigation by means of arbitration and compromise. Clients come to a lawyer at different stages of litigation. Often there is a possibility of reconciliation or compromise, which will prevent costly litigation. Counselling reconciliation may often result in the advocate's losing the brief. Nevertheless, the higher duty of the advocate is not to promote litigation and to effect reconciliation even at personal loss. To tell the client plainly that his case is weak, to counsel litigants to effect compromises in proper cases is the narrow path which the Christian lawyer should not hesitate to take.

3. To give effect to the finer ideals of the profession and to institute in every court or every district Legal Aid Societies where the best lawyers will give help to the deserving poor without taking fees.

4. To take an interest in the social aspects of law and cultivate in the public a law-abiding and litigation-avoiding temperament.

5. In affairs relating to churches, it is the duty of Christian lawyers to prevent, by Christian methods, any case being taken to court.

6. The character of a Christian is practically set by the time he becomes a lawyer. The forming of his character is largely the province of the Church and his family. The blame for the failure of a lawyer to measure up to Christian ideals in the profession is largely due to the weakness of the Church. The low level of ethics in the Indian Christian community is deplorable. Christian lawyers are part of Christian society. They cannot rise except in special cases above the general level of the society in which they live. When Christian society which is the soil which produces Christian men in the various professions is itself so contaminated and degenerate, it is vain to expect such Christians in secular occupations to reach up to heaven.

7. Our conception of morality is in sad need of renovation. The Ten Commandments are even now taken by many Christians to be the moral law ; and

several people still think that transgression of law means failure to conform to a negative Commandment, and not failure to perform a positive Commandment. Our consciences trouble us when we do what we ought not to do, but are silent when we do not do what we ought to do. We have not yet come to accept that the failure to perform certain spiritual duties, failure to conform to the highest spiritual standard, is far more serious than doing certain wrong acts. What Christianity requires is not merely avoidance of sin but positive good living and good doing. Christians have however trained themselves to think that it is sinful to fall below a certain conventional level and that it is not so serious to fail to measure up to the ideal. Till this fundamental and constitutional ethical bias is corrected, it is futile to think of elevating the moral and spiritual level of the Indian Christian community (P. Chenchiah).

Christian lawyers therefore are placed in a difficult position in India where the temptation to fall below the Christian standards in the exercise of their profession is very strong. They need all the help which the Church and the community can give them. A lawyer is always a man of standing and influence in his place. A lawyer who is also a good Christian can do great things for the Church and for Christianity among the people with whom he deals in his professional capacity, his clients and his colleagues

RAJAJAH D. PAUL.

THE HUMAN RESPONSIBILITY OF THE JUDGE

In April 1952 an international conference was held for practising lawyers at the Ecumenical Institute (see Bulletin No. 3, p. 17). A report of the conference is available through the Secretariat of the Institute. We reproduce from it the summary outline, in English translation, which was prepared by *Dr. F. Valentin*, a Hamburg magistrate. The precise subject of the study group which later discussed the matter was "The human responsibility of the judge in the conduct of trials and in the application of penalties."

I.

There can be no satisfactory discussion of a judge's human responsibility until we realise the problems involved in the whole calling of a judge, and the questionable nature of his situation as a human being in relation to the law-breaker. The explanation may be sought in the fact that the position of judge is more conditioned than other professions by the tension between justice and charity, the Law and the Gospel.

II.

While the prohibition "judge not" in Matthew 7, 1, and Romans 2, 1, is of course not directed against the judgment of the State, it requires none the less to be taken very seriously by the judge, as an indication that he acts not simply as representing the supra-personal force of order, but at the same time

as an individual, in relation to the law-breaker, and is as such, no less than the law-breaker, a sinful human being, who as a member of the society to be protected from the law-breaker at the same time must always share in the guilt of society towards the law-breaker.

III.

There has been no lack of attempts to evade or ignore the tension between justice and charity in the profession of judge :

a) Leo Tolstoy in *Resurrection* pronounced sentence on the whole system of penal administration and the profession of judge. ("When it is clear that it is not in a man's power to improve others, the only reasonable thing to do is to stop doing what is not only useless but detrimental, and immoral and cruel into the bargain.")

b) As an instance of the opposite way of thinking, we may name Rudolf von Jhering. (*Der Zweck im Recht* : "The first thing is to realise what is required of the judge, strict compliance with the law, shutting his eyes to any respect of persons whatsoever ; equal measure to the contemptible and the estimable, the scoundrel and the man of honour, the rich usurer and the poor widow ; stopping his ears against the laments of the poor and distressed, and the agony of relatives bereft by the judge's sentence of their husband and father.")

IV.

Neither of these ways represents a satisfactory answer to the tension between justice and charity. Tolstoy's is the way of exaggeration and sentimentality, and issues in anarchy ; Jhering's conception leads to a hypertrophy of the governmental nature of judgment, and the abolition of all human contact between the judge and the law-breaker. Both ways neglect one aspect of Thomas Aquinas's statement, "Love without justice leads to disorder, justice without love leads to harshness."

V.

In Martin Luther, the judge finds the answer to the sentimental side, that of the justification of judgment by the State as an office exercised by God ("thus the hand which wields such a sword, and does execution, is no longer the hand of man but the hand of God, and it is not man but God who hangs, and breaks on the wheel, and beheads, and garottes, and wars ; all these are His works and His judgments" : quoted from *On Whether Warriors Likewise May Be Blessed*, and applicable *mutatis mutandis* to judges) ; furthermore, he finds in him the answer to Rudolf von Jhering, in that it is *not* admissible to suppress all humanity, mildness and mercy in regard to the law-breaker ("the glory and commandments of God we must defend, and all injury or wrong to our neighbour we must arrest, those in authority with the sword, and the others with speaking and with rebuking, yet all this with grieving over them that have thus merited punishment" : quoted from *Concerning Good Works*, the end of the exposition of the Fifth Commandment).

VI.

Every professional action by a judge—even that deriving from a Divine injunction—is menaced by the demonic force of power. The greater the power conferred upon man, the greater the temptation to abuse it. Thus the magnitude of the danger which threatens the judge as a result of his possession of power, and the consequences of any abuse of power for the law-breaker, are to be measured by the gigantic range of the power delegated to the judge. The consequences of any abuse of power manifest themselves not so much in wresting of the law, or similar clumsy acts of arbitrariness (in practice these need scarcely be considered at all), as in contempt of the human counterpart represented by the law-breaker, a neglect of the I-thou relation (Martin Buber).

VII.

Hence with the judge too we find the task which, according to Romano Guardini (*Power*, 1951), will be the focal point of all significance for the coming epoch—the *subduing* of power, by regarding the law-breaker as the judge's fellow-man and brother, by encountering him in charity.

VIII.

The path to this encounter is that of *humility*. It gives the judge the realisation that even the most depraved criminal has his own dignity in the eyes of God, and that judge and law-breaker stand side by side before God in an ultimate solidarity of sin and of the need for forgiveness.

IX.

To conceive of the office of judge in this way does not mean weakness and sentimentality, relaxing the strictness of the law, undermining order, inasmuch as "love" in its Christian sense, that of charity, is conceived as love given to the criminal not because of his value in himself but because he is beloved of God despite his valuelessness, and inasmuch as "humility" is conceived as expressing not weakness and inadequacy in life but strength and inward freedom.

X.

Such an attitude brings the judge beyond the narrower sphere of his duties and on to the task of not only judging but setting to rights, and hence to a field from which he has hitherto held aloof (even when the law affords him a chance of achieving something)—that of the completion of the sentence and the follow-up care of the prisoner after his release. His responsibility for the law-breaker does not cease with the pronouncing of sentence. In this we may detect the emergence of a new conception of the judge. This could help to awaken in the law-breaker an understanding (so far lacking) of the fate which has overtaken him, and to further the aim of our work: to oppose the dehumanisation of the State and to reconcile humanity with that State.

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THE ECUMENICAL INSTITUTE

Never in its eight years' history has the Ecumenical Institute at Bossey welcomed so many students, conference participants, guests and visitors, as in 1953. On several occasions extra beds had to be squeezed into the already full dormitories and the dining hall has been too small to feed everybody at the same time. In the chapel, as in the ancient Church and still in some Eastern Orthodox churches, the people have stood crowded cheek by jowl. It is a good thing that instead of St. Augustine or Chrysostomos preaching for two if not more hours, Karl Barth or George Florovsky, John Baillie or Anders Nygren have been in the pulpit with an awareness in their minds of the saddening fact that modern men are not able to listen longer than twenty minutes. Playing with these names to which many others could be added is, of course, boasting, but in this case the staff of the Ecumenical Institute may well boast because it is not because of their own merits that some hundred and fifty of the most eminent and ecumenically minded Christian thinkers came together at Bossey in August in order to prepare for Evanston. At the beginning of the month, it was only the Executive Committee with the Bishop of Chichester as their president; awe-inspiring to every officer of the World Council as this committee is, the names of Franklin C. Fry and Charles Taft, Marc Boegner and Martin Niemöller, Leslie E. Cooke and Eivind Berggrav are nevertheless very familiar to all those who know the ecumenical movement. The Executive Committee was followed by the meeting of members of the preparatory Commissions for the six subsidiary themes of the Assembly, one of which is "The Christian in his Vocation" (see Bulletin No. 3). There philosophers and sociologists, trade union leaders and agriculturists, politicians and scholars met together with theologians and church leaders discussing and drafting, redrafting and rediscussing until, totally exhausted, they were able to present the final or near to final versions of a number of documents which will serve as a basis of the work to be done at Evanston in August 1954. Dr. H. P. Van Dusen was the president of this big show and he managed the problems of missing beds and cold meals, of the relation of Christian hope to the race question, and the diversity in the conception of the ministry in the various church traditions with equal statesmanship. The summit, however, had to be and has indeed been the meeting of the "Twenty-five" who because they later exceeded this number have been given the name of the Advisory Commission on the Main Theme. Bishop Newbigin from India is the chairman of this group and scholars like Heinrich Vogel or Professor Calhoun, C. H. Dodd or Roger Mehl worked like schoolboys, who by supper time have to confess that they are far from being sufficiently prepared for the work of tomorrow. Many a night was spent in producing a paper which would give guidance for the Assembly and the future co-operation of the member churches of the World Council.

Have I already given too much room to this extraordinary situation whereby Bossey served more as a host and an organisational manager than as a spiritual leader? I think that, unusual though this accumulation of official World Council meetings has been, it belongs to the legitimate task of the Ecumenical Institute to receive these bodies. Their work does not pass uninfluenced by the spirit of Bossey and the more ordinary work of the Institute is stimulated and enriched in its turn by such meetings. This applies also to conferences of still other groups such as the national secretaries of the Y.M.C.A., chaplains of the American Air Force stationed in Europe, Swiss pastors and the like who have met at Bossey during the past few months.

After the missionaries' course (see Bulletin No. 5), the programme of the Institute itself continued with a *Conference on Church and Marriage*. This has been the second conference on family problems held at Bossey, the results of the first one and of a special consultation on problems of birth control serving as a basis of discussion. The Christian understanding of love and marriage has been developed in a series of bible studies on the basis of the Song of Solomon. "The role of Eros in modern Society" has been analysed as being due in part to a widespread hankering after lustre and splendour in a grey and dreary world. The new Gospel of Glamorous Sexuality is a challenge to the Church. Eros must be baptised and given his place in the Christian order of things. After a discussion on "The Place and Function of the Family in the Life of Modern Society," the Christian conception of marriage was the main subject of investigation. Once more it became clear that Christian concepts were too easily identified with certain patterns of (Western) society and that the relevance of the Christian message to modern problems can be seen only if this age-old intermingling is disentangled. In a lecture and discussion on "The Theological Implications of Contraception" an attempt was made to remove some of the barriers which prevent the churches from speaking with one voice on this important matter. A serious piece of work has been done and papers have been produced on marriage counselling, sexual education, the Church and State legislation on marriage and the family, and on responsible parenthood. These papers and a resolution for the attention of the World Council of Churches (see Bulletin No. 5, pp. 42-43) are included in a report.*

Another conference was devoted to the questions of the *Church and Rural Life*. It was well attended by representatives of the churches' concern for evangelisation in rural areas from all over the world. American participation which was already very strong at the Family Problems Conference amounted, with twenty-seven delegates, to more than half of the conference's total membership—a new sign that the Ecumenical Institute is more and more known in the New World and is thereby becoming more truly ecumenical in the composition of its courses and conferences. Surveys on the present situation were given by speakers from various countries and, in a critical review of the various approaches in meeting this situation, both spiritually and materially, it has become clear that radical changes are taking place in the structure of the rural world. These changes, to be sure, differ to a certain extent from country to country but a certain fundamental pattern is followed everywhere. Rural society is moving from its traditional way to new forms of community. If the Church is not aware of what

* Reports available on request.

is going on it will have to face in due time the same situation as after the Industrial Revolution. The Conference therefore asked that the World Council of Churches pay serious attention to this development and include this subject in its study of the Responsible Society, and that a committee of competent people be formed to produce expert evidence on the various aspects of this process for the World Council of Churches.*

The series of conferences of the summer 1953 was closed by a consultation on the *Relation between Philosophy and Theology*. It was a small group of fine scholars, both philosophers and theologians, who met for five days in September at Bossey. Reports were read on the situation in the field concerned as it exists in America, Great Britain and the Latin and Northern European countries. It has struck not only outsiders that Logical Positivism and Analysis of Language are still dominating the Anglo-Saxon world to a great extent, whilst Existentialism and the New Ontology have thrust themselves into the foreground at least in central Europe. The question has hardly been investigated hitherto of how far these different movements are related to one another or at least influence one another. From a theological point of view it would be worth entering into such research. In how far does theology include, of necessity, a certain ontology, and on what ground is philosophical criticism of any kind of theology valid? Does philosophy include faith in one sense or another, and what is the relation of such "philosophical faith" to the Christian faith which rests upon the recognition of divine revelation as it is witnessed in the Scriptures? These were some of the questions which were touched upon in a very careful way in the conversations, and which are by no means irrelevant to the seemingly more obvious problems of our matter of fact age and the task of proclaiming the Gospel to it. It is to be hoped that not only the churches within themselves but also the churches together will continue discussions of this kind.*

The *Vacation Course for Laymen* and the *Course for Theological Students* are regular features of the Institute's annual programme. Again this year they were well attended, even crowded with people. It is worth noting that the Eastern Orthodox Church and the Anglican Communion were particularly well represented at the two courses. On October 1st the *Graduate School for Ecumenical Studies* again took over and nearly absorbed the Institute's activities. Some twenty-five students from different countries together with their professors now populate the large settings of Bossey and, owing to their various needs and interests, the intensity of their work and the lively energy of their youth, they are able to fill the house in every respect.

The resident staff of the Institute has remained unchanged. Miss de Diétrich, however, has been for most of the time with which this report is concerned in the United States. She has been an admired and loved guest lecturer at Parish-field, the Laymen's Centre of the Diocese of Detroit and has given a great deal of her time to travelling and speaking in many places in the States, making Bossey and the things it stands for still more widely known.

H.H.W.

* Reports available on request.

SOME ITEMS CONCERNING LAYMEN'S MOVEMENTS

Ecumenical and International

The *Committee on the Christian Responsibility for European Co-operation* (formerly the Ecumenical Commission on European Co-operation) are issuing a bulletin of which four numbers appeared in 1953. In this bulletin various aspects of a Christian approach to the European problem are presented and discussed by political leaders such as André Philip (France) and Dr. H. Ehlers (Germany), by diplomats such as Dr. C. L. Patijn (Netherlands), scholars like Professor H. Brugmans (Belgium) and Professor M. Rollier (Italy), and by church leaders such as Bishop Dibelius. In November the Committee held a meeting in London at which a long statement was passed, from which we quote the following points:

"(1) We regard 'the Europe of the Six' which it is now proposed to establish, not as an end in itself, but as a way of taking, in the sector of Europe where the gravest and the most urgent of the problems are to be found, a new and decisive step towards a European union which we wish to see expanded later. This union implies the eventual re-unification of Germany which will then become the common goal of us all. The Europe for which we hope must also include one day all those who at the present time either do not desire to join the Six, or are prevented from doing so. Meanwhile we must strive for a close association with the other members of the Council of Europe and of the Atlantic Organisation, and in particular we must strive for the closest co-operation with Great Britain and with the British Commonwealth of Nations as a whole.

(2) The European Community must be based on hope and not on fear. Its creation does not depend on the presence or absence of any threat from outside. If we accept EDC it is because, at the present moment, the only possible choice lies between the creation of this Defence Community and the revival of a German national army. Furthermore, it seems to us that the operation of EDC must inevitably lead, sooner or later, to the political unification of the countries which are members of it.

(3) The European Community is being created not in response to any desire for a crusade, but in response to a desire for peace. It is not to be identified with any ideology. It must keep an open mind towards opinions and movements of all shades, since it respects the need for diversity. Our joint aim is to help in creating the necessary conditions for the general negotiation which must take place between the East and West. A general agreement presupposes a Europe which is no longer merely the object of decisions taken by others, but has become a personality with rights of its own capable of independent initiative. The European political community would be better able to propose to the USSR an exchange of solid guarantees than would be its component states acting separately. Animated by the feelings of friendship which inspire free peoples it will be able to act on an equal footing with the United States within the structure of Atlantic solidarity. What we desire is not the humiliating position of a dependent, nor an over-sensitive independence, but a brotherly interdependence.

(4) As a new background to the whole of our national lives Europe will only be satisfactory in so far as it is given some positive social significance. It will need to organise a just distribution of its wealth between the various classes of society, it will have to set aside for all its homeless, refugee and underprivileged populations a large share in the surplus of production resulting from its unification, and to every European, whatever his place in the scheme of production, it will have to give a feeling of being genuinely a responsible citizen of his European fatherland.

(5) It cannot be too strongly emphasized that the idea of a united Europe must not be understood as a purely negative concept. It is not merely an attempt

to create a political entity with the sole purpose of opposing and resisting other political blocs and forces. It is particularly important that the Europe we are to build should not be inspired by a merely negative anti-communism. In fact an ideology which is no more than a reaction to communism is in some danger of developing totalitarian or semi-totalitarian tendencies within itself."

Later in the document the special responsibilities of the Churches are discussed, namely those of the Protestant Churches of the Six Countries, the Churches of Great Britain and the Churches in the United States respectively.

Australia

A Conference on *The Christian in Medical Practice* was held September 4-6 this year in Gilbulla, Menangle, under the auspices of the World Council of Churches. A list of questions had been prepared which were designed to stimulate the thought of the participants. Apart from dealing with the questions of euthanasia, sterilisation, contraceptives, mental illness, etc., the conference members discussed the relations between patient and doctor, those of society and the medical profession, and, in particular, between doctors and ministers. Agreements were reached regarding on the one hand the inclusion of psychology as an examination subject—taught by medical graduates—in the preclinical years, and, on the other hand, provisions to be made in the training of theological students and in the holding of courses for ministers and clergy with a view to acquainting them with some of the frontier subjects of pastoral theology and medicine. In a statement the main resolutions of this meeting were summed up in twelve points. Another such conference is to be called together for medical graduates and Christian ministers in roughly equal proportions.

Europe

A great number of laymen's groups, institutes and movements in Europe have recently studied and discussed political problems. Three subjects have been in the foreground: (1) Politics as an area of life where the Christian has particular responsibility; (2) the ideological background of political parties, such as socialism, liberalism, conservatism; and, (3) the question of European co-operation or integration. In a widely circulated article Bishop Dibelius of Berlin made it clear that it is not the Churches' business to offer a solution of the European problem, although most churches would indeed welcome European co-operation. The laymen, however, who meet in such groups have to make up their minds as to what they are going to do in this matter as voters, as politicians, diplomats and members of parliament. Thus the Y.M.C.A. held a big European Area Conference in August at Kassel (Germany) when "Europe" was the main subject. On the basis of a valuable documentation which was published well in advance, hundreds of young people from all over Europe studied together the courses leading to the economic integration of Europe and some other questions related to that subject. The *Arbeiders Gemeenschap* of the Woodbrookers in Holland have continued their programme of courses in political training begun in 1952, the *Franco-German Bruderrat* has had another meeting on international relations, and practically every one of the fourteen *Evangelical Academies* has held a meeting on European questions, the most outstanding of which was perhaps the meeting of some fifty statesmen, politicians and diplomats at Loccum (Hannover) where the political responsibility of Protestantism in regard to Europe was the main subject. This topic was discussed vividly by the Germans and foreigners, Protestants and Roman Catholics, Socialists and Conservatives who were present. Although words are often easier than actions, it cannot be said that these meetings are barren of visible results. Christians in the political services within and between the various countries know one another a great deal better now than a few years ago and it may well be said that in many countries members of the Church are in the forefront of the battle against national prejudice and for a united Europe.

Again it is very often Christians who voice the warning that Europe must not be conceived too narrowly. They advocate the careful maintenance and cultivation of the few possibilities where the East and the West can still meet.

* * *

Following up certain plans which were under consideration at the European Laymen's Conference in 1951 at Bad Boll, an association of Protestant journalists has been founded recently, bearing the name of *European Circle for Protestant Information*. Its provisional centre is Strasbourg. The circle will organise meetings of Protestant journalists at a personal level with a view to interchange of experience and to co-operation. It will also publish an information bulletin. The provisional chairman of the board of managers is Dr. Linz (Germany), other members of the board being M. Finet (France), Mr. Rosenstiel (Strasbourg) and Mr. Schouwenburg (Netherlands). The first representative session of the Circle is planned for April 1954.

Britain

The idea of residential colleges for adult education is comparatively new in Britain. An *experimental college* was founded three years ago by a small group of Anglicans at *Moor Park*, Farnham, Surrey, to serve in the work of training laymen to be better equipped and "ready to give reason for the faith that is in them." Moor Park is a place of historical interest and is within easy reach of London, situated in beautiful surroundings on the River Wey. It can now offer accommodation for thirty students, and when fully restored for forty-five. In addition to serving the neighbouring parishes it is developing interesting contacts with the Royal Aircraft Establishment at Farnborough, London University Extra-Mural Department, and with various Local Education Authorities. Since January 1950, sixty-five week-end and other short courses have been held with a total attendance of over 1600 students. Through its many contacts the College is becoming a clearing house for information and it is proposed to publish surveys of this experiment in "Occasional Papers." In "The Church of England Newspaper" of September 25, the Warden of Moor Park College, Canon R. E. Parsons, sums up the main objectives of the College in the four following points: (i) to serve the parishes, (ii) to serve the wider community, (iii) to serve the world-wide Church, the ecumenical movement, and international relations, and (iv) to welcome individuals for relaxation, study and research.

* * *

The *Scottish Christian Industrial Order* the foundation of which was reported in bulletin No. 3 has now reached a point at which its development will inevitably be slow. The Order is at present faced with the dual task of consolidating the branches already in existence and wakening an interest and a sense of need in the great body of laymen—and ministers. The draft of a study on "The Work Branch" has been submitted for examination, while at the same time the Executive is preparing another booklet on "The Church Branch"; it is hoped that both will be published in the spring of 1954.

The suggestion has been put forward and approved of in principle that evening courses on Christian Leadership in Society and Industry should be organised in four of the more important Scottish cities. It has been suggested also that some week-end school conferences should be arranged. Further details on this kind of training for group leaders cannot yet be given, but we should warmly recommend, for information in this field, the bulletins "S.C.I.O. News" and "The Scottish Industrial Chaplain" edited by the Home Board of the Church of Scotland, 121 George Street, Edinburgh, on behalf of the Scottish Christian Industrial Order convened by the Rev. W. MacIntyre.

Denmark

The second *Nordic-Ecumenical Meeting* organised by the Danish Laymen's Movement will be held at Nyborg Strand from 22-26 June 1954. Well-known speakers representing the Nordic countries will address the meeting, as e.g. from Denmark Bishop Fuglsang-Damgaard and Professor K. E. Skydsgaard, from Norway Bishop Arne Fjellbu, from Finland Professor Rafael Gyllenberg, and from Sweden Bishop Manfred Björkquist and Mr. Augustinus Keijer. Among the themes we find "The Christian Vocation" and "Christian Everyday Life." Besides the lectures, bible studies and daily discussions preceded by introductory remarks will be included in the programme.

The activities of the Danish "Christian Laymen's Movement" cover the field of what is elsewhere known as Men's Work, thus with special emphasis on Christian witness and evangelism. The organ of this movement is the monthly bulletin "Mænd og Mission" which also reports on the work of Danish missionaries abroad.

Germany

The *Deutscher Evangelischer Kirchentag* 1953 took place in Hamburg in August. 80.000 were regular members during the five days, among them 10.000 men and women from behind the Iron Curtain and some 2000 foreigners; the main gathering on a Sunday was crowded with more than 200.000 people. Special campaigns of evangelism were started in streets, factories and amusement centres of the town. Is. 40 was the main biblical text read and interpreted in the big meetings. Seven study groups which had worked for a whole year presented their findings. It was decided that the Kirchentag 1954 should be in Leipzig (East Germany) where the preparations have already begun. The general theme will be Rejoicing in Hope (Rom. 12: 12). This theme will relate the Kirchentag meeting in the Russian Occupation Zone in 1954 to the Assembly of the World Council of Churches to be held in August in the U.S.A.

* * *

The organisation of *Men's Work* in Germany held their annual meeting this year in June at Herrenalb (Baden). The main subjects of discussion were: "What is the parish at present and what ought it to be?" and "Christian professional (vocational) movements and Men's Work." Besides Dr. zur Nieden, who is a pastor, Dr. Klaus von Eickstedt has also been elected a president of the movement. On Men's Sunday (18th October) sermons on Acts 2: 42-47 with the theme "The congregation, stays together" were preached in the German Protestant Churches.

* * *

Some of the *Evangelical Academies* have by now a qualified member of staff in charge of press and other publicity matters. This results in the fact that the daily press is provided with more and better material on the subjects discussed and that various broadcasting stations have included sketches of the work done in these meetings in their regular programmes. This is interesting enough for a wider public. Yet to those who follow the progress of the Evangelical Academies more closely it is of even greater importance that the publicity officers are producing readable, and challenging reports of conferences which appear in print twice or four times a year. These bulletins—or what shall we call them? one bears the title "Conversations which matter,"—are, as it were, a mirror in which the life of the people in Germany, their business, their politics, their industry, their family and social problems are reflected in an amazing way. It is far from being a static picture. Reading these reports you feel that everything is in motion. But another motion too is felt in these papers, God's motion toward men.

The most impressive thing about these sober and often rather caustic reports is that you are an eye-witness of the ways in which these two motions meet and clash, join and oppose one another in a never-ending struggle.

Netherlands

The Institute *Kerk en Wereld* of the Dutch Reformed Church features several interesting activities in its programme for the coming months. At three conferences it will bring together victims of this year's floods to discuss the problems of community life in changing circumstances. Two other conferences will deal with the problems of those rural areas which are being gradually industrialised; one will focus its attention on pastoral care in the lowlands, the other more specifically on that in towns and cities. There will also be a meeting of members of the "Open Door"-Group responsible for evangelism among those on the fringe of, or outside the Church. A special conference of university graduates will discuss "new norms and new forms," with particular attention to political ethics and sexual problems. Later there will also be a conference for Civil Servants with the themes of "People and Taxes" and "The Civil Servant and his Responsibility."

Rural problems have always been a special concern of *Kerk en Wereld* and several conferences and week-end courses are again planned in connection with these.

* * *

A recent experiment on which *Kerk en Wereld* is placing high hopes is a *course for personnel managers*. The following report has been received:

"In our contacts with industry in connection with the new 'Wika' specialised training for personnel managers, lasting four years, we have stressed the question whether special courses could not be arranged for people whose work makes it impossible for them to leave it for such a long period. This has resulted in the planning of a six-month course with five days' training per month.

Having assembled fifteen trainees from industry, we should begin with the following programme:

(1) Religious and cultural training: (*a*) origin, growth and contacts of the Christian conception of life and the world, and (*b*) examination of the principal conceptions of life in our time (humanism, existentialism, Communism); (2) social and economic training: (*a*) industrial economy, (*b*) sociology (study of the structure and social consequences of industrialisation), (*c*) social movements, and (*d*) social ethics (e.g. ownership, urbanisation, decentralisation); (3) foundations and problems of personnel management: (*a*) development of human relations inside and outside the business, (*b*) training and education of young workers, (*c*) skeleton education, (*d*) social psychology (atmosphere in the business, personnel tests, selection, psychology of the employer and employee, place and function of the personnel office), (*e*) medical and social care (the neurotic in the business), (*f*) justice and salary level, (*g*) introduction and information, (*h*) work and leisure, and (*i*) industry and social functions; (4) group work: (*a*) general introduction, (*b*) group and individual education; formal and informal grouping; group influence; counselling; and (*c*) group methods and training with methods, and (5) sports.

The reason why *Kerk en Wereld* started this enterprise is that we feel there are important things to be said on the Christian belief concerning life and work in industry, in groups, in the family and leisure time. We must have the courage to bring our message into confrontation with what is going on in modern personnel management. By co-operation between men from industry and men from the Church, we hope to go the right way about influencing industrial affairs."

Switzerland

At Lausanne a new *Centre Protestant d'Etudes* (Protestant Study Centre) has been set up on the model of the Geneva Centre (see Bulletin No. 3, p. 42). At the opening meeting on October 29 an introduction to the activities of this centre was given which contained interesting information on the studies in hand. In fact, several sections have already been working for some months, thus e.g. groups of scientists, of teachers, of doctors, and a literary-philosophic group have met regularly to discuss the various aspects of their daily activities. For the sake of continuity and efficiency the sections are kept small and work under the leadership of a layman who is himself engaged in the occupation or profession with which the group is concerned. Pastors or theologians take a regular share in the work of the group in preparing meetings and conferences, through which opportunities to compare ideas and to gain new information and to make contacts are provided. Right from the beginning, week-end study meetings and wider conferences on a professional and occupational level have been planned. At the head of the Centre stands, in the place of a director, a team of responsible persons composed of the various section leaders, one theologian and one pastor.

A study centre of this kind is a practical answer to the reproach heard so often, that the Church does not understand or even know the problems with which the ordinary member is faced in his work.

United States

The *Christopher Movement* was started to stir up among millions a sense of personal responsibility and to encourage each individual "to accentuate the positive." The members are people who realise that each person can play a role of his own in bringing truth and integrity back to the world. Thus actions are undertaken by individuals and groups in their jobs, professions, in their leisure time. Their influence is spread through talks, literature, films, television and radio.

Particular stress is laid on the civic responsibilities of the individual; a special book, illustrated with many examples, gives guidance as to how to translate into action the fact that "Government is Your Business." Among the other publications are e.g. "You can change the World," "Television is what you make it," etc.

Another interesting feature of this movement is the existence of "Career Guidance Schools." These try to draw on the tremendous energies of the "grass roots," making individuals conscious of and familiar with vital issues in the field of education, communications, labour relations, social service, and allied spheres. Suggestions for the forming of such schools, for discussions, for study material, and for prayers are given in a special booklet.

The Movement, which does not have any specific denominational background, was founded by Father James Keller; its headquarters are in New York.

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The *Rural Church Center*, Greenlake, Wisconsin, was founded in February 1945 and is sponsored by the American Baptists Home Mission Society. It holds regular "schools" (there have been twenty-nine up till now) providing specialised in-service training for ministers, ministers' wives and laymen in town and country communities. The courses are designed to acquaint students with the rural church movement. Other subjects include an introduction to worship materials, Christian education, a treatment of other aspects of the minister's work, and a study of vital rural economic and social movements. (For dates of Schools and Courses, see Calendar, page 48.)

Miscellaneous

The various issues of this bulletin have discussed problems of doctors and teachers, of social workers and government officials. Politics, industry, farming, journalism, the fine arts and many other spheres have been mentioned now and then and still need to be expanded. However, in this march-past of the professions, some readers may have looked in vain for the *less spectacular occupations*. Others perhaps have read through the Calendar and wondered what was hidden behind some of the more mysterious conference titles.

There are the meetings for *shop assistants*, for *clerks* and *employees* of all kinds. Indeed, several institutes have regular conferences for *secretaries*, where the problems of a secretary, both in her work and in her leisure, are discussed under such headings as "What will happen to us as we grow older—professionally, economically, and personally?" "Work, promotion and self-assertion," and "The work of a secretary as sublimation." Furthermore, political and artistic topics are debated in so far as they relate to the interests of such independent women.

An issue of particular importance in countries like Switzerland and Germany is the work and position of *artisans*. Conferences bring together representatives of small independent enterprises and examine the increasing encroachment of industry upon them and the resulting dangers. In this connection other interesting features in some of the programmes are the courses and week-end meetings for *apprentices* or for those responsible for their training, and conferences where both groups meet for joint discussion.—In our age of *sport* it is not surprising to find how frequently conferences are held on such subjects as "Sport—and the Church," "The importance of competition", etc.

The scope of the many efforts on the part of the Church to meet people where they work may be illustrated by such ventures as conferences for *policemen*, for *members of the armed forces*, for *fashion designers*, and for *technicians*.

Reports or summaries of almost all these and similar meetings have been published and the Secretariat for Laymen's Work would be glad to give the addresses of such institutes and groups to any interested reader.

CALENDAR 1954

ECUMENICAL AND INTERNATIONAL

Ecumenical Institute at Bossey. *October 1, 1953 - February 15, 1954.* The Graduate School of Ecumenical Studies. *March 22-27* Conference on the Theological Foundations of the Lay Ministry. *May 3-10* Conference on Prisons and Prisoners; *24-31* Conference of Students' Chaplains. *June 8-22* Course for Pastors. *July 2-12* and *August 7-18* Vacation Courses for Laymen. *15.7-3.8* Course for Theological Students.

European Baptist Men's Conference. *June 9-15* Rüschlikon-Zürich (Switzerland). Conference Theme "Religion and Life."

BRITAIN

Dons' Advisory Group. *March 19-21* London. Conference of Research Scientists.

DENMARK

Second Nordic-Ecumenical Meeting of the Laymen's Movement. *June 22-26* Nyborg Strand (see Items page 43).

GERMANY

Evangelical Academies

Bad Boll. *January* 1-3 Secretaries; 7-10 Social Workers; 15-21 Collaborators in Industry and Commerce; 26-31 Farmers. *February* 2-7 Farmers; 12-14 Communal councillors; 15-25 Collaborators in Industry and Commerce; 26-28 Midwives. *March* 1-4 Church Workers; 9-11 Shop Assistants; 15-17 Persons responsible for the training of apprentices; 19-24 Abiturienten; 26-28 Collaborators in Industry and Commerce; 29.3-2.4 Apprentices. *April* 5-8 Social Workers in Factories; 15-19 Younger Generation. *May* 10-13 Housewives; 14-16 Business and Co-operative Societies; 17-20 Loans Policy of the Banks; 21-23 Problems of population; 26-30 Leading Men in Industry; 31.5-2.6 The Film Public in Relation to the Film Industry. *June* 4-7 Nurses; 8-10 Liberal Professions; 21-23 The Village. *June* 6 - *August* 22 Vacation meetings for workers.

Baden-Herrenalb. *January* 2-6 Secondary Teachers on "The Forces in Education Today"; 15-17 Apprentices and Those who are Responsible for their Training, "The creative Influence of Example and Authority in Social Life"; 29-31 Artisans, "Craftsmanship in Danger." *February* 1-5 Men and Women Workers and Members of Factory Boards, "Productivity and the Workers' Fulfilment in Life"; 6-7 Engineers, "Normal Man and Standardised Man"; 19-21 Industrialists, "Risk and Order in Industry." *March* 19-21 Conference on Social Legislation. *April* 2-4 Young Married Couples, "From Marriage to Family"; 20-24 Members of Factory Boards, "Problems of Social Politics." *June* 8-10 Teachers in Vocational Schools, "Occupation—Branch—Job"; 11-13 Lawyers, "The 'tiresome' Lawyer"; 18-20 Social and Personnel Management; 25-27 "The Future of the Middle Classes in an Industrialised Society."

Berlin (-West). *January* 8-11 "The Church and the Workers"; 23-24 Doctors, "Disease and Sin." *February* 5-8 University Lecturers and Students, "Specialised Studies and the Development of Character"; 26.2-1.3 Study Conference on Town Planning. *March* 19-22 Ecumenical Conference for Doctors, "Medicine of the whole Man." *April* 3-4 Professors, "The Concept of Man and the University."

Berlin (-Brandenburg). *January* 15-19 and 29.1-2.2 Farmers, "The Church in Everyday Life." *March* 9-10 Artisans, "The Future of Craftsmanship."

Hofgeismar. *January* 4-8 The Younger Generation (Bad Orb); 8-10 Workers; 8-10 Doctors (Bad Orb); 15-17 Economists (Bad Orb); 18-21 Artists (Bad Orb); 21-24 Aristocracy. *February* 12-14 Farming and Technical Progress; 18-21 Women Workers; 25-28 Families without Fathers. *March* 3-7 "The Meaning of Work" for Workers and Students; 9-11 The Church and Trade Unions; 19-21 Young Professional Men; 25-28 "Profession and Vocation" for Abiturienten. *April* 9-11 "What is Property?" for Young Business Men; 20-25 "School and Home" for Teachers and Parents; 30.4-2.5 "The Coming of Age of Man," A Study Conference on the Problem of Secularisation. *May* 8-10 Shop Assistants; 26-30 "Interpretation" for Literature and History Teachers. *June* 10-13 Secretaries; 17-20 "The Art of Education."

Loccum. *January* 15-27 Course for Young Workers; 30.1-1.2 "Trade Unions in Modern Society" for Members of Factory Boards and Industrialists. *February* 3-8 Rural Youth and the Common Destiny of Europe; 13-14 "Freedom and Obligation" for Students from the Hannover Fraternities; 15-25 Course for Young Workers; 27.2-3.3 Agriculture and Industry and the Interplay of Factors in Public Life. *March* 7-17 Study Course for Young Workers; 19-22 Responsibility in Industry seen as a Universal Task; 26-29 Political Conference; 31.3-2.4 Study Conference on the D.P.-Press and European Responsibility. *April* 3-6 Problems of General Education; 17-20 Students and Abiturienten. *May* 18-22 Retreat Conference for Young Married Couples.

Rheinland-Westfalen Hemer. *January* 11-14 Personality; 25-28 Old Age; 30-31 The Existence of Beauty. *February* 1-4 Personality (for Students from the Pedagogical Academy); 5-7 Christian Faith and reforming one's Life; 10-12 Those Outside the Church; 15-18 The Professions (in particular engineering); 25-27 Human Relations in Iron Ore Mining; 28 Sport Associations and the Church. *March* 1-3 Women Members of Factory Boards; 8-11 Students from Doctors', Teachers' and Pastors' Families.

Rheinland-Westfalen Mülheim (Haus der Begegnung). *January* 2-7 "Discipline and Punishment" for educationalists; 11-13 "The Renewal of the Life and Thinking of the Farmer" for farmers; 15-16 Conference for those responsible for workers in coal mines*; 21-24 Modern Occupations for Women and Stewardship; 30-31 "The Family claims us" for parents. *February* 8-10 Second Conference for those in Social Services; 12-13 Conference for those responsible for workers in the coal mines*; 19-21 "Our Unity in Christ and our Disunity as Churches" for students. *March* 3-4 "The Denominations and a Social Ethos" for students in economics; 6-7 Second conference on "The Family claims us"; 9-12 "Labour Legislation and Factories Today" for members of factory boards*; 12-14 Engaged couples; 15-18 Abiturienten; 19-20 Conference for those responsible for workers in coal mines*; 20-21 Professional ethics for journalists; 22-24 Study conference on problems of D.P.-Youth; 25-29 Abiturienten.

* Organised in connection with the Social Ethical Committee of the Church in the Rhineland.

Tutzing. *January* 4-6 The Nature of Disease; 8-10 Artisans; 22-24 Rhythm. *February* 4-6 Police Leaders; 12-14 Man in his Old Age; 19-21 Whence is a civic consciousness to come? 26-28 Has the last War been forgotten? *March* 12-14 Industrialists; 19-21 Mysterium crucis; 26-28 The Visual Arts.

Evangelical Social Academy Friedewald. *January* 2-9 Study Conference for Pastors and other Church Workers; 10-16 Social-political Seminar on Social Insurance; 22.1-1.2 Church Training Course for Women Parish Workers. *February* 6-26 Social Training Course for Workers; 27.2-13.3 Social Training Course for Young Workers and Students. *March* 15-20 Study Week for Women Members of Factory Boards. *April* 5-12 Social-political Seminar on Labour Legislation; 24.4-15.5 Social Training Course for Young Workers. *May* 18-25 Social-political Study Week for Young Workers; 12.6-3.7 Social Training Course for Workers.

SWITZERLAND

Reformierte Heimstätte Boldern. *January* 9-10 Committee on Rural Culture; 11-16 and 18-23 Farmers' Wives; 16-17 Farmers and their Wives; 23-24 Technicians; 24-25 Women in Business; 30-31 Widows. *February* 6-7 Foremen; 13-14 Workers; 20-21 Professional Women; 27-28 Secretaries. *March* 13-14 Married Couples; 20-21 Lawyers; 27-28 Sports-lovers. *April* 3-4 Workers; 20-24 and 26-30 Pastors and their Collaborators. *May* 1-2 Engaged Couples; 7-8 Employers; 22-23 Doctors. *June* 12-13 Technicians.

UNITED STATES

Baptist Rural Church Center Green Lake. *February* 3-18 "Improving the Local Church Programme" (including studies on community life and on methods of education). *February* 24 - *March* 11 First Training School for Laymen *March* 17 - *April* 1 "Improving the Pastoral Ministry" (including seminars on women's work in town and country). *May* 7-23 "Working with Groups—Group Dynamics" (including an explanation of effective methods of group work and a study on vocations). *April* 22 - *May* 26 Fourth Interdenominational School, sponsored jointly with the Wisconsin Council of Churches, with studies on the social and economic basis for town and country churches and on a theology for the rural church.